

HARDWARI LAL AND ORS. VS STATE OF HARYANA

Present: Mr.R.S.Cheema, Sr. Advocate with
Ms.Sumanjeet Kaur, Advocate
for the appellants.

Mr. Vishal Garg, Addl.A.G., Haryana.

In sequel to the directions issued by this Court vide judgment dated 07.12.2018, all the appellants are present.

The appellants were initially convicted for the offences punishable under Sections 148, 323, 324, 326, 302 and 149 of Indian Penal Code, 1860 (for short, 'IPC') by the Additional Sessions Judge, Rewari but their conviction was altered from Section 302 IPC to Section 304 Part I IPC.

The appellant Hardwari Lal has already undergone sentence of 5 years, 8 months and 11 days, Suraj Bhan has already undergone sentence of 5 years, 03 months and 9 days, Vijay has already undergone sentence of 5 years, 8 months and 5 days, Ramesh @ Rajesh has already undergone sentence of 5 years, 08 months and 20 days, Leela Ram has already undergone sentence of 10 months, Hazari has already undergone sentence of 4 years, 4 months and 15 days, Balbir has already undergone sentence of 5 years, 1 months and 24 days, Kamal has already undergone sentence of 10 months and 5 days, Bedo has already undergone sentence of 2 years, 8 months and 2 days, Sumit has already undergone sentence of 3 years, 3 months and 9 days, Bimla has already undergone sentence of 2 years, 8 months and 7 days whereas Bhup Singh has already undergone 4 years, 8 months and 8 days, as per the custody certificate produced by learned State counsel as on 20.11.2018.

Learned counsel appearing for the appellants submits that the incident had taken place on 06.06.2001 and a lenient view may be taken. He has also argued that the appellants belong to the lowest strata of the society and they have started new life.

Learned counsel for the State has vehemently argued that the appellants should be sentenced at least for 10 years of rigorous imprisonment.

We have heard the learned counsel for the parties.

Accordingly, in view of the facts and circumstances of the case, all the convicts are sentenced to undergo 5 years rigorous imprisonment and to pay a fine of Rs.2000/- each and in default of payment of fine to further undergo one month's rigorous imprisonment under Section 304 Part I IPC.

As a matter of fact Hardwari Lal, Suraj Bhan, Vijay, Ramesh @ Rajesh and Balbir have already completed this period. Let the rest of the appellants undergo their remaining part of sentence of imprisonment as imposed by this Court. They shall surrender before the trial Court forthwith.

(RAJIV SHARMA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

December 14, 2018

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