

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.219

CRR-1980-2012 (O&M)
Date of decision : 16.11.2018

Jitender Singh @ Happy

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Dheeraj Narula, Advocate, for the petitioner.

Mr. D.R. Singla, DAG, Haryana

SUDHIR MITTAL, J. (Oral)

FIR No. 214 dated 24.4.2006 under Sections 279, 304-A IPC came to be registered against the petitioner at Police Station Sadar, Fatehabad. On presentation of challan, he was tried by the learned JMIC, Fatehabad and vide impugned judgment dated 27.8.2009, he was convicted under Sections 279, 304-A IPC and was sentenced as under:-

Section of I.P.C	SI	Fine	I/D of payment of fine
279	Six months	Rs.500/-	Further undergo imprisonment for 15 days
304-A	One year	Rs.1000/-	Further undergo imprisonment for 15 days

2. Both the sentences were to run concurrently.
3. Aggrieved against the judgment of conviction and order of sentence, the petitioner preferred appeal and vide impugned judgment dated 11.4.2012 passed by the Addl. Sessions Judge, Fatehabad, the same was dismissed. Hence, the instant revision petition before this Court.
4. Learned counsel for the petitioner has submitted that he does not contest the matter on merits and that keeping in view the fact that the petitioner is a poor person and is the sole bread winner of the family and

also being a first offender, he prays for leniency and for reduction of quantum of sentence.

5. Custody certificate dated 9.11.2018, prepared by Sh. S.S. Dahiya, Superintendent of Prison, Central Jail No.1, Hissar, has been filed by the learned State counsel in Court today and the same is taken on record. According to this certificate, the petitioner has undergone actual custody of 04 months and 15 days and that there is no other criminal case pending against him.

6. A perusal of record shows that the petitioner is a young-man of about 30 years of age and he has undergone protracted trial of about 3 years because the FIR was registered against him on 24.4.2006 and the date of his conviction is 27.8.2009. His appeal was decided on 11.4.2012 and since then, he remained in custody for more than 04 months. He is not a hardened criminal and no criminal case is pending against him as is evident from the custody certificate.

7. Keeping in view the fact that one of the objectives of the criminal jurisprudence is to reform a convict and that fact that the petitioner has undergone protracted trial besides undergoing actual sentence of more than 04 months, I feel that the petitioner has been adequately punished.

8. Accordingly, keeping in view the judgment of the Hon'ble Supreme Court in '**Utham Rajanna V. State of U.P 2005(11) SCC 531,**' the impugned judgment of conviction dated 27.8.2009 passed by the JMIC, Fatehabad and as upheld by the Addl. Sessions Judge, Fatehabad vide impugned judgment dated 11.4.2012, is maintained. So far as order

of sentence is concerned, the petitioner is sentenced to the period already undergone by him.

9. With the above modification in the order of sentence, instant revision petition is hereby dismissed.

10. A copy of this order be sent to the Court/successor Court of the convicting Magistrate concerned for compliance.

(SUDHIR MITTAL)
JUDGE

16.11.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No