

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

**CRR No.818 of 2012 (O&M)
Decided on: 02.05.2018**

Ravi and others

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. J.S. Saneta, Advocate
for the petitioners.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this revision petition is for setting-aside the judgment of conviction dated 04.06.2010 vide which the petitioners were convicted under Section 51(1) of the Wild Life (Protection) Act, 1972 (in short 'the Act of 1972') and the order of sentence dated 04.06.2010 vide which the petitioner No.2 namely Suraj and petitioner No.3 namely Sunil along with petitioner No.1 namely Ravi (since deceased) were sentenced to undergo rigorous imprisonment for a period of 03 years and to pay a fine of Rs.10,000/- each under the Act of 1972 as well as the judgment dated 11.02.2012 whereby the appeal preferred by the petitioners was dismissed by the Appellate Court.

Brief facts of the case are that the complaint No.36 of 2001 was filed against 03 persons namely Ravi, Suraj and Sunil on the allegation that on 09.06.2001, they have hunted two Peafowls and they were found throwing stones on the Peafowl (Pavo Cristatus) and on rushing at the spot, one Peafowl was found dead and one was found in

injured condition and later on, he succumbed to his injuries.

Counsel for the petitioners has submitted that he do not challenge the conviction of petitioners No.2 and 3 under Section 51 of the Act of 1972 and restricts his argument only to the extent that the sentence of 03 years along with a fine of Rs.10,000/- awarded by the trial Court be reduced to the period already undergone by them. It is further submitted that petitioners No.2 and 3 are facing the agony of protracted trial since 2001 and a period of about 17 years has already passed and in the intervening period, they have not repeated any such offence and they have shown reform in their character.

Counsel for the petitioners has further submitted that the petitioners were on bail during the pendency of trial as well as during the pendency of the appeal and they have not misused the concession of bail/suspension of sentence. It is further submitted on behalf of the petitioners No.2 and 3 that out of 03 years rigorous imprisonment awarded by the trial Court, the petitioners No.2 and 3 have undergone 01 year, 01 month and 09 days of actual sentence and 01 year, 04 months and 26 days of total sentence including remissions. It is further submitted that the petitioners No.2 and 3 are poor persons, they have their own family to support and they are the only bread earner of their family. It is also submitted that petitioners No.2 and 3 are the first offenders and thus, some lenient view be taken against them by reducing the sentence already undergone by them. Counsel for the petitioners has further submitted that the fine of Rs.10,000/- has already been paid by the petitioners.

Counsel for the State has filed the separate Custody

Certificate of all the petitioners and as per the Custody Certificate, the actual sentence undergone by the petitioners No.2 and 3 have undergone 01 year, 01 month and 09 days of actual sentence and 01 year, 04 months and 26 days of total sentence including remissions out of total sentence of 03 years awarded by the trial Court. It is further submitted that the petitioners No.2 and 3 are not involved in any other case.

After hearing the counsel for the parties, I uphold the judgment of conviction passed by the Courts below, convicting the petitioners under Section 51(1) of the Act of 1972, however, considering the fact that petitioners No.2 and 3 are the first offenders; they have faced the agony of protracted trial since 2001; they were on bail during the pendency of trial as well as the sentence of the petitioners was suspended during the pendency of appeal; they have never misused the concession of bail; they are not involved in any other case; they have shown improvement in their behaviour/character and have already undergone the substantive sentence as noticed above, this revision petition is partly allowed and the sentence of petitioners No.2 and 3 is reduced to the extent of the period already undergone by them, however, the finding with regard to payment of fine is upheld.

With the aforesaid modification, this revision petition is disposed.

(ARVIND SINGH SANGWAN)
JUDGE

02.05.2018
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No