

In the High Court of Punjab & Haryana at Chandigarh.

CRR-2258-2015**Date of decision: 05.04.2018**

Pala Ram

..... Petitioner.

vs.

State of Haryana

..... Respondent.

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Swati Batra, Advocate,
As Legal Aid Counsel, for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ARVIND SINGH SANGWAN,J.(ORAL)

Prayer in this petition is for setting aside the judgment of conviction/order of sentence dated 20.11.2014/26.11.2014 passed by the trial Court convicting petitioner-Pala Ram alongwith other co-accused persons under Sections 147/323/325 read with Section 149 of IPC and sentencing them to undergo rigorous imprisonment for one year each and to pay a fine of Rs.1,000/- each, as well as the judgment dated 04.06.2015 passed by the Appellate Court, vide which the appeal filed by the appellant was dismissed.

Counsel for the petitioner, at the very outset, submits that she does not intend to challenge the judgment of conviction of the petitioner and prays that the sentence awarded by the trial Court may be reduced to the period already undergone by the petitioner. It is further submitted that out of one year rigorous imprisonment, the petitioner has already undergone 07 months and 11 days of actual sentence and 09 months and 11 days of total sentence including remission.

The counsel for the petitioner submits that the petitioner is a poor person and has own family to support and is not a previous convict. It is further submitted that the petitioner has faced the agony of trial for the last about 6 years and considering his good behavior during incarceration, the sentence of the petitioner may be reduced to already undergone by him.

Learned State counsel has filed custody certificate dated 08.08.2017 and per this custody certificate, the petitioner has undergone 07 months and 11 days of actual sentence and 9 months and 11 days of total sentence including remission.

Counsel for the petitioner has relied upon the judgment of this Court titled as *Des Raj vs. State of Haryana, 2017 (3) R.C.R. (Criminal), 298*, vide which the sentence imposed upon the petitioners was reduced to the period already undergone by them.

After hearing learned counsel for the parties, the judgment of conviction dated 20.11.2014 is upheld, however, the order of sentence dated 26.11.2014 is modified.

Since the petitioner has undergone substantive sentence of 9 months and 11 days out of one year rigorous imprisonment awarded by the trial Court; is not a previous convict; has not misused the concession of bail during the pendency of trial, appeal and the present revision petition and is not involved in any other case, the sentence awarded by the trial Court i.e. one year R.I. is reduced to the substantive sentence, i.e. 9 months and 11 days, already undergone by the petitioner. However, the imposition of fine of Rs.1,000/- is upheld.

As per order of sentence dated 26.11.2014, the petitioner has already paid the fine of Rs.1,000/-

In view of the above, the revision petition is disposed off with the modification in order dated 26.11.2014.

05.04.2018
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(ARVIND SINGH SANGWAN)
JUDGE

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