

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

222

CRR-1455-2016 (O&M)

Dinesh

**Date of decision: 11.01.2018
...PETITIONER**

VERSUS

State of Haryana

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

**Present: Mr. Bhupesh Dogra, Advocate, Legal Aid Counsel,
for the petitioner.**

Mr. Apoorv Garg, Deputy Advocate General, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner along with his co-accused was convicted and sentenced by the Judicial Magistrate Ist Class, Fatehabad vide order dated 08.06.2015 and 10.06.2015 respectively under Sections 147, 323, 325 IPC as follows:-

“Offence U/s 147 of IPC	Rigorous imprisonment for a period of six months.
Offence U/s 323 of IPC	Rigorous imprisonment for a period of six months.
Offence U/s 325 of IPC	Rigorous imprisonment for a period of one year and to pay a fine of Rs. 500/- each. In case of non-payment of fine, all the convicts shall further undergo simple imprisonment for a period of fifteen days.”

On an appeal preferred by the appellant (petitioner herein) and other co-convicts, although the conviction was upheld but the quantum of sentence was modified by ordering them to be released on probation of good conduct under Section 4 of the Probation of Offenders Act, 1958, on entering into a bond in the sum of Rs. 20,000/- with one surety in the like amount for a period of one year to keep peace and to be of good behaviour.

The appellant (petitioner herein) and other con-convicts were further

directed to pay an amount of Rs. 5000/- as compensation to injured Rohtash.

The other three appellants have not approached this Court except for the present petitioner Dinesh, who was unable to arrange the surety and the amount of compensation, as ordered by the learned Additional Sessions Judge, Fatehabad. As a matter of fact, he moved an application for extension of time for deposit of the compensation amount as also the submission of the surety bond but the said application was dismissed. Petitioner, therefore, preferred the present petition, which was initially delayed by a period of 116 days, which stands already condoned.

Custody certificate has been filed in Court by the counsel for the State, according to which, out of the total sentence of one year, petitioner has undergone sentence of 8 months and 6 days including remission, out of which actual sentence is of 7 months and 11 days.

Keeping in view the peculiar facts and circumstances of the present case, the present revision petition is allowed by modifying the sentence of the petitioner to the period already undergone.

Copy of this order be supplied to Mr. Bhupesh Dogra, Advocate, Legal Aid Counsel, the State counsel under signatures of the Bench Secretary of this Court.

January 11, 2018

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No