

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

**CRR No.3048 of 2015 (O&M)
Date of Decision: 16.03.2018**

Amit @ Anurag

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Gautam Dutt, Advocate for the applicant/petitioner.

Mr. Vikas Malik, DAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J. (Oral)

CRM No.30849 of 2017

Application is for seeking permission to rectify the name of the petitioner as Amit Singh @ Anurag instead of Amit @ Anurag.

Application is allowed as prayed for.

Amended memo of parties, accompanied with the application, is taken on record. Registry to tag the same at the appropriate place.

CRM stands disposed off.

CRR No.3048 of 2015

The present revision petition has been filed by the petitioner against the impugned judgment dated 24.07.2015, rendered by learned Additional Sessions Judge, Gurgaon, vide which appeal filed against the judgment of conviction dated 07.01.2015 and order of sentence dated

09.01.2015, passed by learned J.M.I.C., Gurgaon, whereby he has been convicted and sentenced under Section 394 of the Indian Penal Code for a period of three years along with fine of Rs.5000/- and in default of payment of fine to further undergo rigorous imprisonment for two months has been affirmed.

It is contended by learned Counsel for the petitioner that the petitioner has been convicted and sentenced under Section 394 of the Indian Penal Code for a period of three years and out of that, he has already undergone the actual sentence of 02 years, 08 months and 06 days.

As per the order dated 20.08.2015, learned Counsel for the petitioner does not want to challenge the conviction of the petitioner and confined his prayer only for quantum of sentence.

Learned State Counsel has filed the Custody Certificate of the applicant-appellant in the Court and the same is taken on record.

As per the Custody Certificate, the applicant/petitioner has undergone actual sentence of 02 years, 08 months and 06 days, which includes the post conviction period of 02 years, 03 months and 25 days.

Perusal of the record reveals that in this case, notice regarding quantum of sentence only was issued by this Court on 20.08.2015.

There is no dispute that the petitioner is not challenging the findings of conviction, recorded by both the Courts below and he is pressing only the quantum of sentence.

Undisputedly, the applicant-petitioner has already undergone the period of substantial sentence i.e. 02 years, 08 months and 06 days, which includes the post conviction period of 02 years, 03 months and 25 days out

conviction attached to the petitioner in any other case.

Consequently, this Court deems it appropriate that the present petition be disposed off by upholding his conviction. However, sentence is reduced to already undergone by him as on today and fine of Rs.5000/- is maintained with default clause.

Disposed off accordingly.

March 16, 2018

Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>