

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.233

CRR-4180-2016 (O&M)
Date of decision : 28.08.2018

Ram Jiwan @ Ram Jeewan

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Rajesh Lamba, Advocate, for the petitioner.

Mr. Satish Saini, DAG, Haryana.

SUDHIR MITTAL, J. (Oral)

Custody certificate dated 27.08.2018, prepared by Mohmed Sazeed Khan, Deputy Superintendent, District Prison, Gurgaon, has been filed by the learned State counsel in Court today and the same is taken on record. A copy thereof has been supplied to learned counsel for the petitioner. According to this certificate, the petitioner has undergone custody of two years, three months and twenty six days inclusive remission of five years and six days. There are no other criminal cases pending or decided against the petitioner.

Learned counsel for the petitioner submits that he is only praying for reduction in the quantum of sentence. The petitioner has been convicted under Sections 467, 468 and 471 IPC and has been sentenced to undergo RI for a period of five years and to pay fine of Rs.5,000/-, in default of payment of which, to further undergo RI for a period of six months in each of the offences. The petitioner has also been convicted under Section 120-B IPC and sentenced to RI for a period of two years. In the appeal filed by the petitioner, the sentence of five years has been modified to sentence of RI for a period of four years.

All the sentences are to run concurrently.

The petitioner is an accused of selling his sister's share out of the joint land. Learned counsel for the petitioner states that the sale made by the petitioner has already been set aside and the property has been restituted in favour of his sister. The custody certificate makes it clear that the petitioner is the first offender and has already undergone sentence of two years, three months and twenty six days, apart from the agony of protected trial and thus, the sentence may be reduced appropriately.

Considering the fact that the dispute is between the siblings and that the property sold by the petitioner has been restituted in favour of his sister as well as the fact that the petitioner is a first offender, I deem it appropriate to reduce his sentence further. Accordingly, the conviction of the petitioner is upheld and the petitioner, namely, Ram Jiwan @ Ram Jeewan, is sentenced to the period already undergone by him. Fine has already been paid by him and thus, it is, ordered that the petitioner be released from the custody forthwith.

With the above modification, instant revision petition stands disposed of.

A copy of this order be sent to the Court of the Chief Judicial Magistrate, Mewat, for compliance.

(SUDHIR MITTAL)
JUDGE

28.08.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No