

Alim and another

.....Petitioners

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Ashish Gupta, Advocate
for the petitioners

Mr. D.R. Singla, DAG Haryana

Sudhir Mittal, J. (Oral)

The petitioners are accused in FIR No. 210 dated 01.04.2014 registered at Police Station Nuh under Section 4A of the Punjab Prohibition of Cows Slaughter Act, 1955 and Prevention of Animal Cruelty Act, 1960. Vide judgment dated 25.07.2017, they were convicted and sentenced to undergo rigorous imprisonment for one year and to pay fine of Rs. 2500/- each and in default of payment of fine to further undergo simple imprisonment for six months. The fine was paid and the conviction was appealed against. The appeal was rejected by Additional Sessions Judge, Mewat vide judgment dated 01.03.2018. Hence, the present revision petition.

Notice was issued in this petition, since learned counsel for the petitioners confined his prayer to reduction in the quantum of sentence as the petitioners have no criminal antecedents and they have undergone more than half of the sentence.

Custody certificates dated 09.08.2018 prepared by Mohmed Sazeed Khan, Deputy Superintendent, District Prison, Gurgaon have been filed in the Court today and the same are taken on record.

According to these certificates, the petitioners have undergone custody in excess of seven months. Keeping in view the fact that the petitioners are first offenders as well as the fact that they have already undergone custody in excess of seven months, out of total sentence of rigorous imprisonment for one year, the interest of justice would be served if their sentence is modified to the period already undergone.

In view of the above, impugned judgment of conviction dated 25.07.2017 passed by the Chief Judicial Magistrate, Nuh and as upheld by Additional Sessions Judge vide judgment dated 01.03.2018, is affirmed. So far as order of sentence is concerned, the petitioners are sentenced to the period already undergone by them.

With the above modification in the impugned order of sentence, instant revision petition is dismissed. The petitioners be set at liberty forthwith, in case they are not required in any other case.

Copy of this order be sent to the Court/Successor Court of the Convicting Magistrate/Chief Judicial Magistrate, concerned for compliance.

September 28, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No