

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.233

CRR-2040-2018 (O&M)
Date of decision : 26.09.2018

Rohit

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. M.S. Sidhu, Advocate, for the petitioner.

Mr. Satish Saini, DAG, Haryana.

SUDHIR MITTAL, J. (Oral)

FIR No.167 dated 31.03.2013, came to be registered at Police Station, Jhajjar, under Sections 279, 304-A and 429 IPC. Vide judgment dated 10.03.2017, the petitioner was convicted under Sections 279 and 304-A IPC and sentenced to undergo maximum sentence of two years for being convicted under Section 304-A IPC. Fine already stood paid.

2. The petitioner preferred an appeal against the judgment of conviction and order of sentence, which was dismissed, vide judgment dated 23.05.2018. Hence, the present revision petition.

3. Notice of motion was issued only because learned counsel for the petitioner had prayed for leniency and for reduction of the quantum of sentence.

4. Custody certificate dated 25.09.2018, prepared by Anil Kumar, Deputy Superintendent, District Prison, Jhajhar, has been filed by the learned State counsel in Court today and the same is taken on record. According to this certificate, the petitioner has undergone actual custody of four months and twenty eight days. There is no other criminal case pending/decided against him.

5. Learned counsel for the petitioner submits that the petitioner is a poor person and is the only bread earner in the family. A perusal of record shows that the petitioner is a young man of about thirty years of age and he has undergone a protracted trial of four years because the FIR is dated 31.03.2013 and the date of his conviction is 10.03.2017. He has also undergone actual custody of four months and twenty eight days, thereafter. The petitioner is not a hardened criminal as is evident from the custody certificate. There is no other criminal case pending/decided against him.

6. Keeping in view the fact that one of the objectives of the criminal jurisprudence is to reform a convict and the fact that the petitioner has undergone a protracted trial of four years besides undergoing sentence of about five months, I feel that the petitioner has been adequately punished. Accordingly, in view of the judgment of the Hon'ble Supreme Court in '**Uthem Rajanna Vs. State of U.P., 2005(11) SCC 531**' the judgment of conviction dated 10.03.2017 passed by the Judicial Magistrate First Class, Jhajjar, and as upheld by the learned Additional Sessions Judge, Jhajjar, vide judgment dated 23.05.2018, is maintained. So far as, order of sentence is concerned, the petitioner is sentenced to the period already undergone by him. The petitioner is ordered to be set at liberty, in case he is not required in any other case.

7. With the above modification in the order of sentence, the instant revision petition is hereby dismissed.

8. A copy of this order be sent to the Court/successor Court of the convict Magistrate concerned for compliance.

(SUDHIR MITTAL)
JUDGE

26.09.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No