

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.231

Criminal Revision No.391 of 2018
DECIDED ON: October 31, 2018

ROSHAN LAL

..PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Shubhankar Baweja, Advocate,
for the petitioner.

Mr. M.D. Sharma, AAG, Haryana.

SUDHIR MITTAL, J. (ORAL)

FIR No.831, dated 22.12.2012, under Sections 279 & 304-A IPC, came to be registered at Police Station City Thanesar against the petitioner-Roshan Lal. After conclusion of the trial by the learned trial court, the petitioner was convicted under Sections 279 and 304-A IPC and sentenced as under:

U/s	RI	Fine (₹)	In default
279 IPC	06 months	500/-	15 days (S.I.)
304-A IPC	01 year & 06 months	1000/-	01 month (R.I.)

2. The petitioner preferred appeal against the judgment of conviction and order of sentence dated 26.07.2016 and the same was dismissed by learned Additional Sessions Judge, Kurukshetra vide judgment dated 16.01.2018. Hence, the instant revision petition before this Court.

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3. Notice of motion was issued only because learned counsel for the petitioner had prayed for leniency and for reduction of quantum of sentence.
4. Custody certificate dated 30.10.2018, prepared by Sh. Subhash Chander, Deputy Superintendent, District Prison (Kurukshetra), Haryana has been filed by learned State counsel today in Court. The same is taken on record.
5. According to this certificate, the petitioner has undergone actual custody of 11 months and 01 day including remission and that there is no other criminal case pending/decided against him.
6. Learned counsel for the petitioner submits that petitioner is a poor person aged about 55 years and is the only bread earner in his family. A perusal of the record shows that the FIR was registered on 22.12.2012 and thereafter, the impugned judgment of conviction and order of sentence was passed on 26.07.2018 and thus the petitioner has faced protracted trial for about 04 years besides undergoing sentence of 11 months and 01 day. The petitioner is not a previous convict as is apparent from the custody certificate placed on record by the learned State counsel.
7. 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 for about 04 years besides undergoing the sentence of 11 months and 01 day, I feel that 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 impugned judgment of conviction and order of sentence dated 26.07.2016, passed by learned Judicial Magistrate 1st Class, Kurukshetra and as upheld

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by learned Additional Sessions Judge, Kurukshetra, vide impugned judgment dated 16.01.2018, is maintained. So far as the order of sentence is concerned, the same is modified and petitioner-Roshan Lal is sentenced to the period already undergone by him. He is ordered to be set at liberty, in case he is not required in any other case.

8. With the above modification in the impugned order of sentence, the instant revision is dismissed.

9. A copy of this order be sent to the Court/Successor Court of the Convicting Magistrate concerned, for compliance.

October 31, 2018

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No