

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

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**CRR No.605 of 2018 (O&M).
Date of Decision: 27.11.2018.**

Sunil

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Vikas Lochab, Advocate for the petitioner.

Mr. Ashish Sanghi, Deputy Advocate General, Haryana.

Shekher Dhawan, J.

Present revision petition is against the judgment dated 15.01.2018 passed by learned Additional Sessions Judge, Sonipat, whereby the judgment of conviction dated 19.11.2014 and order of sentence dated 21.11.2014 passed by learned Principal Magistrate, Juvenile Justice Board, Sonipat, was dismissed.

The petitioner was convicted for commission of offence under Sections 323, 325, 326 and 506 read with Section 34 of the Indian Penal Code (for short, 'IPC') and was sentenced to undergo imprisonment for a period three months each under Sections 323 and 506 IPC and for six months under Section 325 IPC. He was also sentenced to undergo imprisonment for a period one year under Section 326 IPC.

At this stage, learned counsel representing the petitioner mainly

months against the maximum sentence of one year awarded to him and the petitioner be released from custody by modifying the order of sentence as he is not challenging the judgment of conviction.

Learned State counsel, on the basis of custody certificate filed on 16.10.2018, affirmed that the petitioner has undergone actual sentence of nine months by 15.10.2018 and, as such, by now he has undergone actual sentence of more than 10 months.

Taking all the facts into consideration that the petitioner is not challenging the judgment of conviction, the revision petition against the judgment of conviction dated 19.11.2014 stands dismissed. However, as regard to order of sentence dated 21.11.2014, the petitioner certainly deserves a lenient view on the point of sentence as he is not involved in any other case and not convicted in any case as well. By now, he has undergone actual sentence of 10 months against the maximum sentence of one year awarded to him. The present revision petition is disposed with modification in the order of sentence dated 21.11.2014 to the extent that the sentence of the petitioner in this case shall be the period of sentence which he has already undergone during the investigation, trial and pendency of the present revision petition. The petitioner be released forthwith if not required in custody in any other case.

(SHEKHER DHAWAN)
JUDGE

27.11.2018
jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No