

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-S-2145-SB-2005

Date of Decision : May 28, 2019

Narinder @ Bodi.....Appellant

VERSUS

The State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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Present: Mr. Rahul Vats, Advocate
for the appellant.

Mr. Ayuwan Singh, AAG, Haryana.

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MANJARI NEHRU KAUL, J.

1. The instant appeal has been preferred against the impugned judgment of conviction dated 08.08.2005 and order of sentence dated 10.08.2005 passed by the Addl. Sessions Judge, Jhajjar, vide which the accused/appellant was convicted under Section 436 IPC and sentenced to undergo rigorous imprisonment for five years and fine of ₹25,000/-, in default of payment of fine to further undergo rigorous imprisonment for two years.

2. The prosecution case in brief was that on 08.01.2000 complainant Ved Pal met ASI Samey Singh and got recorded his statement Ex.PB wherein he stated that in a garage which he had constructed in a plot adjoining his house, he had stored 12 gunny bags of Urea, water tubs, three drums containing 600 liters diesel and patta, he had also parked his tractor

in the said garage. On 07.01.2000 at around 10:30 P.M., on hearing some loud noise, he came out of his house and saw that his garage was on fire. On going near the garage he noticed that his neighbour Narinder Singh (appellant) was coming out of the garage. He along with one Sandeep chased the accused but in vain as the accused fled from the spot by taking the benefit of fog. As a result of the fire, a huge loss and damage had been caused to him. The learned trial Court convicted the accused/appellant under Section 436 IPC and sentenced him as already detailed above.

3. At the very outset, learned counsel for the appellant has submitted that he would not make his submissions on the merits of the case and would rather confine his submissions qua the sentence part only in the light of the findings of fact recorded by the trial Court. The learned counsel has submitted that the occurrence pertains to the year 2000 and thus the appellant has undergone the agony of protracted trial for more than 19 years. He has further submitted that during the last 19 years the appellant has been fastened with many liabilities. He thus prays for taking a compassionate and lenient view and for reducing the sentence of the appellant from rigorous imprisonment for five years to the period already undergone by him.

4. The learned State counsel has placed on record the Custody Certificate which reveals that the appellant has undergone 01 year 04 months and 10 days of actual imprisonment as on 28.05.2019.

5. Keeping in view the facts and circumstances of the case and the submissions made by learned counsel for the appellant, while maintaining the conviction of the accused-appellant under Section 436 IPC, his substantive sentence of rigorous imprisonment for five years is reduced to

rigorous imprisonment for two years. However, the fine imposed upon the appellant is enhanced from ₹25,000/- to ₹50,000/- out of which ₹40,000/- would be payable to the complainant within a period of one month from the date of receipt of a certified copy of this order. In default of payment of fine, the benefit of reduction of sentence shall not accrue to the appellant.

6. With the aforesaid modification in the order of sentence dated 10.08.2005 passed by the Additional Sessions Judge, Jhajjar, the appeal is disposed of.

28.05.2019
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(MANJARI NEHRU KAUL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No