

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

CRA-S-462-SB-2006

Date of Decision : May 17, 2019

Joginder and othersAppellants

VERSUS

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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Present: Mr. R.P.Singh Ahluwalia, Advocate
for the appellants.

Ms. Jaspreet Kaur, AAG, Punjab.

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MANJARI NEHRU KAUL, J. (Oral)

1. The appellants were convicted vide judgment and order dated 11.02.2006 passed by the learned Sessions Judge, Kapurthala, for the offence under Section 411 IPC and sentenced to undergo rigorous imprisonment for 03 years and to pay a fine of ₹5,000/- each. In default of payment of fine, to further undergo rigorous imprisonment for a period of one month each. Aggrieved against the same, the present appeal was filed in the year 2006.

2. Learned counsel for the appellants has fairly stated that in view of the findings of fact recorded by the Court below, he would not make submissions on merits of the case and confine his submissions only qua the quantum of sentence.

3. The learned counsel has submitted that the fine of Rs.5000/- imposed upon the appellants by the Trial Court has since been paid by each of them.

4. Learned counsel for the appellants submits that during the pendency of the trial as well as instant appeal the appellants have been fastened with many liabilities and have thus undergone the agony of a protracted trial for almost 20 years. It is further submitted by the learned counsel that in the last 20 years the appellants have not committed any other offence and have been leading the life of peaceful citizens. It is also submitted that no useful purpose would be served by keeping the appellants behind the bars at this stage and hence a lenient view may be taken qua the sentence part.

5. Custody Certificates of all the appellants filed by learned State counsel in Court today, are taken on record. Office to tag the same at appropriate place.

6. As per Custody Certificates placed on record by the State counsel, the appellants have undergone the following sentences:-

- i) Appellant No.1-Joginder has undergone 02 years, 07 months and 05 days of actual imprisonment;
- ii) Appellant No.2-Shokinia has undergone 02 years 08 months and 10 days of actual imprisonment;
- iii) Appellant No.3-Jafar has undergone 02 years and 09 months of actual imprisonment;
- iv) Appellant No.4-Naimpal has undergone 02 years 07 months and 11 days of actual imprisonment;
- v) Appellant No.5-Balalo has undergone 07 months and 01 day of actual imprisonment; and
- vi) Appellant No.6-Ram Chalau, who was about 70 years of age at the time of occurrence and is at present 90 years of age,

has undergone 07 months and 02 days of actual imprisonment.

7. In view of the submissions made by the learned counsel for the appellants, I am of the considered view that ends of justice would be met if while maintaining the conviction of the appellants, their substantive sentence shall stand reduced to the period already undergone by them.

8. Resultantly, the conviction of the appellants is maintained and their sentence is reduced to the period already undergone by them.

9. With the aforesaid modifications in the order of sentence dated 11.02.2006 passed by the learned Sessions Judge, Kapurthala, the appeal is disposed of.

(MANJARI NEHRU KAUL)
JUDGE

17.05.2019
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Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No