

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Appeal No. S-780-SB of 2005

Date of Decision: December 10, 2019

Vikram

.....Appellant

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present:- Mr. R.S. Randhawa, Advocate
for the appellant

Mr. Tanuj Sharma, AAG Haryana

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Sudhir Mittal, J. (Oral)

An FIR No. 94 dated 15.06.2004 was registered at Police Station Sadar Sonipat, Sonipat under Sections 326, 324, 452, 307/34 IPC and Section 25 of the Arms Act, 1959. Three persons namely Krishan, Vikram (appellant) and Jasmer were tried in the said case. Krishan and Jasmer were acquitted whereas Vikram (appellant) was convicted under Section 25 of the Arms Act, 1959 only and sentenced to undergo rigorous imprisonment for a period of 1 year and to pay fine of Rs. 500/- and in default of payment of fine to further undergo rigorous imprisonment for 2 months.

Learned counsel for the appellant submits that fine already stands paid and the appellant has already undergone actual sentence in excess of 10 months. The conviction was on account of alleged recovery of sword and, thus, the sentence be reduced to that already undergone.

Custody certificate dated 10.12.2019 prepared by Sh. Ram Chander, DSP-1, Deputy Superintendent, District Prison, Sonipat, has been filed in the Court today and the same is taken on record. According to the certificate, the appellant has undergone actual custody of 10 months and 10 days. There are six other pending criminal cases against him. One conviction is recorded in which he has already undergone the sentence and in three cases he has been acquitted.

Learned State counsel submits that keeping in view the criminal antecedents of the appellant he does not deserve any concession.

Learned counsel for the appellant submits that perusal of the pending cases would show that they all relate to the year 2010-11 and earlier. There is no recent case pending against the petitioner and it is, thus, obvious that the appellant has reformed himself.

The submission of learned counsel for the appellant is well founded. The appellant appears to have reformed himself as no criminal case has been registered against him in the last more than 5 years. Keeping in view the fact that the appellant has already undergone actual custody of 10 months and 10 days as well as the fact that the trial pertains to the year 2004, coupled with the fact that his maximum sentence is rigorous imprisonment for one year, the interest of justice would be adequately served if his sentence is reduced to the period already undergone.

The appeal is accordingly dismissed. However, the order of sentence is modified to the period already undergone by him. Since he is on bail, his bail and surety bonds stand discharged.

December 10, 2019

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[SUDHIR MITTAL]

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No