

In the High Court of Punjab and Haryana at Chandigarh

209-3

CRR-63-2008 (O & M)

Date of Decision: 17.07.2019

RAJINDER

.....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. D.S.Sandhu, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the judgments of the Courts below whereby he has been convicted under Section 51 (1) of the Wild Life (Protection) Act, 1972 and sentenced to undergo rigorous imprisonment for a period of one year.

Learned counsel for the petitioner contends that the allegations against the petitioner are that he along with other co-accused was travelling in a gypsy which was apprehended at the barricade set up by the police and parts of the body of Nilgai were recovered. He states that there is no independent witness to the recovery which was effected in broad day light at 11.30 am. The petitioner and other accused were not carrying any weapon. He also contends that he is not challenging the conviction of the petitioner and would confine his prayer in this petition to reduction in the quantum of sentence to the period already undergone. He is not involved in any other case and is sole bread winner of his family.

Learned State counsel has filed the custody certificate which is taken on record. It indicates that the petitioner has undergone total sentence of 04 months and 27 days.

Heard.

The petitioner had been convicted under Section 51 (1) of the Wild Life (Protection) Act, 1972 and sentenced to undergo imprisonment for a period of two years by the trial Court but the appellate Court while maintaining the conviction had reduced the quantum of sentence to one year. The petitioner is facing the agony of protracted criminal proceedings for almost two decades. He is not involved in any other case and is sole bread winner of his family. The petitioner has not indulged in any such activity after the incident. There is no independent witness to the recovery. The petitioner has undergone sentence of 4 months and 27 days.

It would, therefore, be in the interest of justice, if the sentence of the petitioner is reduced to the period already undergone by him.

Consequently, while maintaining the conviction, the sentence of the petitioner is reduced to the period already undergone by him.

With this modification, the petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

July 17, 2019
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No