

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Letters Patent Appeal No. 917 of 2019 (O&M)
DATE OF DECISION: 15.07.2019

Raju @ Raj Kumar

....Appellant

Versus

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present: Mr. B.S.Mamli, Advocate for the appellant.

..

KRISHNA MURARI, CHIEF JUSTICE: (Oral)

CM No. 2190-LPA of 2019

Heard. For the reasons mentioned in the application, delay of 116 days in filing the present appeal is condoned. Application stands disposed of.

LPA No. 917 of 2019 (O&M)

This intra-court appeal filed by the appellant under Clause X of the Letters Patent is directed against the judgment and order dated 05.12.2018 passed by the learned Single Judge dismissing the writ petition filed by the appellant herein seeking pre-mature release on the ground that he has undergone actual sentence of about 17 years since the time of his arrest. Admittedly, the appellant-petitioner was charged and sentenced to undergo imprisonment under the offences punishable under sections 364-A and 302 read with section 34 of the Indian Penal Code.

2. Since the appellant is convicted under sections 364-A and 302 read with section 34 of the Indian Penal Code, therefore, his case lies within clause 2(aa)(ii) of the Policy dated 12.04.2002 whereunder the prescribed period is of 20 years of actual imprisonment and 25 years of total imprisonment including under-trial conviction period excluding parole and remissions. Admittedly, the appellant has only undergone actual sentence of little more than 17 years and with remissions little more than 20 years. Thus, the case of the appellant is not covered under the said policy and therefore, we do not find any illegality in the view taken by the learned Single Judge in dismissing the writ petition.

The appeal is thus devoid of merits and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

15.07.2019
ravinder

NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO