

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CRR-1819 of 2019 (O&M)

Date of decision:4.10.2019

Bijender

... Petitioner

versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Kunal Dawar, Advocate,
for the petitioner
Mr.Neeraj Poswal, AAG, Haryana
Mr.Deepender Singh, Advocate,
for the complainant
...

AMOL RATTAN SINGH, J. (Oral)

Mr.Dawar, learned counsel appearing for the petitioner, submits that the petitioner is approximately 65 years old and consequently, without prejudice to the arguments as regards any other co-accused who have been convicted, the petitioner himself does not wish to contest the petition on merits, and only wishes to plead for a lesser sentence than the sentence of 3 years of rigorous imprisonment imposed upon him by both the learned Courts below, after his conviction along with his co-accused for the commission of offences punishable under Sections 467, 471 and 120-B of the IPC, in addition to fines of Rs.1500/-, Rs.1500/- and Rs.500/- having been imposed in respect of each of the offences, respectively.

He has further submitted that the petitioner was only a signatory to the agreement of sale in question and not a beneficiary of any money that may have been taken by the other co-accused.

Considering the fact that the petitioner has been convicted for the commission of the aforesaid offences by the learned trial Court, and he does not wish to contest the conviction on merits, that contention obviously cannot be even looked into by this Court, as regards whether or not he actually was a beneficiary of any money that may have been illegally obtained by him and his co-accused.

However, keeping in view the fact that he is stated to be 65 years old (though in fact he is shown to be 70 years old as per the custody certificate produced in Court today by the learned State counsel, with his age shown to be 60 years in the judgment, in a case instituted in January, 2007), I consider it appropriate that the sentence imposed upon the petitioner be reduced to the extent already undergone by him, which as per the said custody certificate, is actual imprisonment of 4 months and 16 days, with another one month of remission granted to him, thereby making it 5 months and 16 days.

Consequently, while dismissing the petition on merits and upholding the conviction of the petitioner for the commission of all the offences that he has been found to have been guilty of, the sentence imposed by the learned Courts below in respect of all the offences, is reduced to the extent already undergone by him, while maintaining the fine being imposed in respect of each offence.

Consequently, upon the payment of the fine imposed in respect of each offence, the petitioner would be released from custody immediately, with the necessary release order/warrants to be issued in that regard.

Of course, if the fine is not paid, the imprisonment in default of

payment of any fine, would be also further undergone by the petitioner.

It is to be specifically stated here that upholding of the conviction of the petitioner and reduction of the quantum of sentence imposed upon him will have absolutely no bearing on the merits of the case qua other co-accused, the present order having been passed on the contention raised that the petitioner in particular does not wish to contest the case on merits in view of his age, and simply seeks a reduction in his sentence, if this Court considers it appropriate, which of course it has done.

The petition is allowed to the above extent only, as regards the quantum of sentence imposed.

4.10.2019
pk/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes