

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

**CRR No.9848 of 2018 (O&M).
Date of Decision: 24.04.2019.**

Ram Mehar

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Argued by: Mr. Randeep S. Dhull, Advocate for the petitioner.

Mr. D.K. Mittal, Deputy Advocate General, Haryana.

Shekher Dhawan, J.

Present revision petition is directed against the judgment of conviction and order of sentence dated 07.06.2016 passed by learned Chief Judicial Magistrate, Jind, in case F.I.R. 611 dated 08.09.2011, registered under Section 8/9 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (for short, 'the Act of 1988'), whereby the petitioner was convicted for commission of offence punishable under Section 9 of the Act of 1988 and was sentenced to undergo 03 years rigorous imprisonment with fine of Rs.10,000/-.

2. The petitioner has also assailed the judgment dated 01.06.2017 passed by learned Additional Sessions Judge, Jind, whereby the appeal preferred by the present petitioner against the judgment of conviction and order of sentence dated 07.06.2016 was dismissed.

3. Facts relevant for the purpose of decision of the present revision petition; that the petitioner herein was an accused in a case under Section 304-B of the Indian Penal Code (for short, 'IPC') and was convicted and sentenced in District Jail, Jind. He was released on furlough for a period of three weeks on 04.08.2011 and he was to surrender before the jail authorities on 26.08.2011. However, the petitioner failed to surrender before the jail authorities and he was declared proclaimed offender on 14.09.2012. After about four years, he was arrested on 23.10.2015 and was tried and convicted in the manner narrated above.

4. While arguing on the present revision petition, learned counsel for the petitioner contended that the petitioner is not a previous convict. He could not surrender before the jail authorities on the due date because his father had died and he was to look after his four younger sisters as there was nobody in the house to look after them and the Courts below have completely ignored this fact while passing the judgment of conviction and order of sentence dated 07.06.2016 and while dismissing the appeal vide judgment dated 01.06.2017.

5. Learned counsel representing the respondent-State, while opposing the revision petition, contended that apart from unreasonable and inordinate delay of 476 days in filing the present revision, on merits also, the present revision petition is absolutely without any merit. The petitioner was convicted in a case under Section 304-B IPC, but he failed to surrender before the jail authorities though he was released on furlough for a period of three weeks only. Thereafter, he was declared proclaimed offender and his arrest could be effected only after a period of about four years. Learned

Courts below have already appreciated the entire evidence and there is no ground to interfere in the said judgment of conviction and order of sentence dated 07.06.2016 which has been duly affirmed by learned first appellate Court vide judgment dated 01.06.2017 and, as such, the present revision petition be dismissed.

6. Having considered the submissions made by learned counsel for the parties and the fact that the present revision petition has been filed after inordinate and unexplained delay of 476 days and there are no justified grounds for condonation of such long delay and the present revision petition deserves dismissal on this count.

7. Apart from the present petition being hit by the law of limitation, the present petition is otherwise without any merit because the petitioner was released on furlough for a period of three weeks, but he failed to surrender before the jail authorities though he was convicted in a case under Section 304-B IPC. He was declared proclaimed offender on 14.09.2012 and was arrested on 23.10.2015. The only ground taken in the present petition is that his father had died, but the petitioner has nowhere come with the plea that when the death of his father had taken place. Both the Courts below have already considered all these aspects and appreciated the entire evidence. In light of that, at this stage, there is no ground to interfere in the findings recorded by the Courts below and to set aside the judgment of conviction and order of sentence dated 07.06.2016 and judgment dated 01.06.2017 passed by first appellate Court as the same are well reasoned and according to law only.

8. In view of the above, the present revision petition is without any merit and is not maintainable keeping in view the inordinate and unexplained delay of 476 days and otherwise also, there being no ground to interfere in the judgment of conviction and order of sentence dated 07.06.2016 passed by the trial Court and the judgment dated 01.06.2017 passed by learned first appellate Court.

9. Resultantly, the present revision petition is dismissed.

(SHEKHER DHAWAN)
JUDGE

24.04.2019
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No