

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

**CRM-31124-2021 IN/AND
CRA-D-394-DB-2010 (O&M)
Date of decision : 13.10.2021**

Babu Lal

... Appellant

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MRS. JUSTICE ALKA SARIN**

Present: Mr. Vimal Kumar Gupta, Advocate for the appellant.

Ms. Shruti Jain, DAG, Haryana.

AJAY TEWARI, J. (ORAL)

CRM-31124-2021

This is an application for suspension of sentence of the applicant-appellant.

Custody certificate dated 12.10.2021 has been filed in Court by way of affidavit of Sh. Sanjay Bangar, DSP, Deputy Superintendent, Central Jail (Ambala)-Haryana, the same is taken on record. As per the custody certificate, the applicant-appellant has undergone actual sentence of 12 years, 03 months and 02 days (including 11 years, 08 months and 22 days after conviction) out of life imprisonment, which along with remission amounts to 17 years, 01 month and 10 days.

After arguing for some time and realizing that this Court is not inclined to grant any relief, learned counsel for the applicant-appellant states that it would be appropriate to hear the main appeal.

Learned Deputy Advocate General states that she has no objection if the main appeal is heard.

With the consent of leaned counsel for the parties, the main appeal is taken on board today itself.

CRM stands disposed off.

MAIN CASE

This appeal has been filed against the judgment of conviction and order of sentence dated 21.01.2010, whereby the appellant has been convicted under Section 376 of the Indian Penal Code, 1860 in FIR No.82 dated 08.07.2009 registered at Police Station Mullana (Ambala) and sentenced to undergo rigorous imprisonment for life and a fine of ₹10,000/- for offence under Section 376 IPC and in default of payment of fine, to further undergo rigorous imprisonment for two years.

The facts of the case are very stark that the applicant-appellant has been convicted of having raped his 13 years' old daughter.

Today, learned counsel for the applicant-appellant has stated that he would not press the appeal against the conviction, but keeping in view his long custody and the fact that the unfortunate victim is now married and settled, some leniency may be shown to the sentence and keeping in view the long period of custody, which has already been suffered by the appellant, sentence be reduced to that already undergone.

Learned Deputy Advocate General has vigorously argued that keeping in view gravity of the offence, the applicant-appellant cannot be granted any benefit.

In our considered opinion, the arguments raised by both the learned counsel are too extreme. Keeping in view the facts and circumstances of the case, we deem it appropriate to maintain the conviction of the appellant and to reduce the sentence of the appellant to 20 years.

With the aforesaid modification in the sentence, the appeal is dismissed.

Since the main case has been decided, pending applications, if any, stand disposed off.

(AJAY TEWARI)
JUDGE

(ALKA SARIN)
JUDGE

13.10.2021

Yogesh Sharma

Whether speaking/reasoned **Yes/No**
Whether Reportable **Yes/No**