

115.

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

**CRM-25857-2021 IN/AND**

**CRA-S-442-SB-2015**

Date of Decision: 25.08.2021

(Heard through VC)

NIZAMUDIN

.... Appellant

Versus

UT OF CHANDIGARH

.... Respondent

**CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present: Mr. H.S. Randhawa, Advocate,  
as Amicus Curiae.

Mr. J.S. Toor, APP, UT, Chandigarh.

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**JAISHREE THAKUR.J (Oral)**

**CRM-25857-2021**

For the reasons stated in the application, the same is allowed  
and the appeal lying admitted is taken on board today for hearing.

**CRA-S-442-SB-2015**

The present appeal has been preferred against the judgment of  
conviction dated 22.12.2014 and order of sentence dated 23.12.2014 passed  
by learned Additional Sessions Judge-cum-Judge Special Court,  
Chandigarh, vide which the appellant was convicted for offences under  
Sections 363, 366, 376(2)/511 and Section 8 of POCSO Act in FIR No.154,  
dated 14.04.2014, registered at Police Station Sector 39, Chandigarh and  
sentenced as under:-

| Offence U/s       | Period of sentence (RI) | Fine imposed (Rs.) | Period of sentence in default of fine(s) |
|-------------------|-------------------------|--------------------|------------------------------------------|
| 363 IPC           | 3 years                 | 3,000/-            | One month                                |
| 366 IPC           | 5 years                 | 5,000/-            | Two months                               |
| 376(2)/511 IPC    | 7 years                 | 1,00,000/-         | Six months                               |
| 8 POCSO Act, 2012 | 3 years                 | 3,000/-            | One month                                |

All the sentences were, however, ordered to run concurrently.

Learned Amicus Curiae would submit that the appellant herein has already been released because he has undergone his entire sentence awarded to him as noticed above. Counsel would also submit that apart from the actual sentence, the appellant has also undergone sentence in default of non-payment of the fine imposed upon him.

Learned counsel appearing on behalf of UT, Chandigarh, has filed the custody certificate, which is taken on record and has confirmed the facts as narrated hereinbefore.

The appeal thus has rendered infructuous and is disposed of accordingly.

**(JAISHREE THAKUR)**  
**JUDGE**

**25.08.2021**  
sanjeev

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