

CRR-1804 of 2017 (O&M)

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

CRR-1804 of 2017 (O&M)
Date of decision: 14.11.2022

Dharam Singh

.....Petitioner

vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Madan Pal, Advocate, and
Mr. Sanjiv Kumar Arya, Advocate, for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

NAMIT KUMAR, J. (ORAL)

Through this revision, petitioner-accused has laid challenge to judgment dated 05.04.2017 passed by the Court of learned Additional Sessions Judge, Karnal, affirming judgment of conviction dated 21.01.2014 and order of sentence dated 22.01.2014 of the trial Court, whereby petitioner was held guilty and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of ₹2,000/- for commission of offence under Section 406 IPC and in default of payment of fine to undergo simple imprisonment for a period of one month.

Learned counsel for the petitioner states that he does not challenge conviction of the petitioner on merit and confines his prayer to the quantum of sentence only. This criminal case is hanging on his head like damocle's sword for more than 13½ years, which should be a sufficient mitigating circumstance to treat him leniently. The petitioner

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has suffered the ordeal for long period. Out of total sentence of one year , petitioner has undergone sentence for about eleven months.

As per custody certificate dated 13.11.2022, petitioner has already undergone actual sentence for 10 months and 13 days. Therefore, in view of the arguments advanced by learned counsel for the petitioner, this Court is of the view that no useful purpose will be served by sending the petitioner, whose sentence has been suspended by this Court vide order dated 14.09.2017, behind the bars any more. It is a fit case wherein sentence awarded to the petitioner can be reduced to the period already undergone. Ordered accordingly.

Impugned judgment of conviction stands affirmed with above modification. The sentence of fine however, shall stand maintained. The petitioner will have to deposit the fine if not already deposited.

Disposed of.

14.11.2022
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No