

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-1931-SB-2015 (O&M)
Date of Decision:22.09.2023

Raju ...Appellant
Versus
State of Haryana ...Respondent

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sanjeev Sharma, Advocate
for the appellant.

Mr. Manish Dadwal, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. The present appeal has been filed at the instance of appellant-Raju against the judgment of conviction dated 27.08.2014 under Sections 307, 324 IPC and Section 25 of the Arms Act as well as the order of sentence dated 28.08.2014 passed by the learned Sessions Judge, Sonapat vide which he was sentenced to undergo following sentence in FIR bearing No.377 dated 31.07.2012 registered under Sections 307, 324 IPC and Section 25 of the Arms Act at Police Station City, Sonapat:-

Section 307 IPC	Rigorous imprisonment for a period of 5 years and to pay a fine of Rs.30,000/-.	In default of payment of fine, to further rigorous imprisonment for a period of 8 months.
Section 324 IPC	Rigorous imprisonment for a period of 2 years and to pay a fine of Rs.5000/-.	In default of payment of fine, to further undergo rigorous imprisonment for a period of 2 months.
Section 25 of the Arms Act	Rigorous imprisonment for a period of 1 year and to pay fine of Rs.1000/-.	In default of payment of fine, to further undergo rigorous imprisonment for a period of 1 month.

Out of the total fine of Rs.30,000/-, an amount of Rs.25,000/-, on realization, was ordered to be paid to the injured-Om Pati as compensation.

Further, all the substantive sentences were ordered to be run concurrently.

FACTUAL BACKGROUND

2. In brief, the case of the prosecution is that on 30.07.2012, on receipt of a telephonic message that Om Pati wife of Chatter Singh, resident of Mashad Mohalla, Sonapat had sustained injuries in an occurrence and admitted to General Hospital, Sonapat, ASI Suresh along with other police officials reached the said hospital where he came to know that the injured was referred to PGIMS, Rohtak. Thereafter, he visited PGIMS, Rohtak and sought opinion of the doctor for recording statement of the injured-Om Pati, who declared her unfit to make any statement. However, the complainant namely Ravinder, who was present there, recorded his statement alleging that Om Pati wife of Chatter Singh was his maternal aunt and the said Chatter Singh was also his uncle (*tau*) in relation. The uncle of the complainant namely Raju, appellant-accused herein, was married to one Asha. As the said Asha was occasionally visited by some strangers, his maternal aunt Om Pati and other family members tried to make Raju and Asha understand to not to indulge in such kind of activities and had also called for a panchayat in this regard. On this account, Raju and Asha nursed a grudge against them. On 30.07.2012 at about 5.00 PM when he and his maternal aunt Om Pati reached near Mama Bhanja Chowk while returning from the market, Raju, who was carrying a knife in his hand, came there. He proclaimed to teach them a lesson for defaming his family and gave knife blows on the abdomen, chest and hip of Om Pati with an intention to kill her. The complainant rescued her from the clutches of his uncle Raju. Thereafter, Om Pati became unconscious and fell down. Raju fled from the spot. Many persons gathered on the spot including his uncle Sunil and they shifted Om Pati to General Hospital, Sonapat from where she was referred to PGIMS, Rohtak. The complainant made a prayer to initiate legal action against the accused.

3. On the basis of above statement, an FIR was registered under Sections 307 and 324 IPC. During the course of investigation, an inspection of the site of occurrence was done, statements of the witnesses were recorded and arrest of the accused was made.
4. On completion of investigation, final report under Section 173 Cr.P.C. was submitted against the accused and after completion of formalities as envisaged under Section 207 Cr.P.C., charges were framed against the accused under Sections 307, 324 IPC and Section 25 of the Arms Act, to which the accused pleaded not guilty and claimed trial.
5. To prove its case, the prosecution examined as many as 17 witnesses and closed its evidence. On closure of the prosecution evidence, all the incriminating circumstances were put to the accused under Section 313 Cr.P.C, who denied all the allegations and claimed innocence but led no evidence in his defence.
6. The trial Court after hearing arguments raised by both sides and after having perused the evidence led, has convicted and sentenced the appellant as stated above.

CONTENTIONS

7. Learned counsel appearing for the appellant contends that the appellant does not want to assail the impugned judgment of conviction dated 27.08.2014 on merits and restricts his prayer only qua quantum of sentence. He further contends that the appellant has reformed and intends to live a peaceful life. It is also contended by learned counsel for the appellant that the sentence imposed upon the appellant to undergo rigorous imprisonment for five years has already been undergone by him and therefore, prayed that the instant petition may be disposed of as such.

8. Learned State counsel contends that the learned trial Court has passed a well reasoned judgment based on correct appreciation of evidence available on record, however, the fact that the appellant has already undergone the sentence imposed upon him is not disputed.

ANALYSIS AND OBSERVATION

9. This Court has heard learned counsel for the parties and has gone through the record of the case with their able assistance.

10. Undisputedly, the FIR in question was registered on 31.07.2012 and the appellant has already undergone the sentence imposed upon him on 15.07.2018.

11. As per the custody certificate produced by the learned State counsel, the appellant remained in custody as under trial from 01.08.2012 to 28.01.2013 and on 27.08.2014 and after his conviction, has undergone custody from 28.08.2014 to 15.07.2018 including the period of sentence to be undergone in lieu of default of payment of fine, thus, he has completed the sentence imposed upon him on 15.07.2018.

12. A perusal of the judgment of conviction passed by the trial court indicates no perversity in the findings of the trial court and the same are based on correct appreciation of evidence available on record. Counsel for the appellant has not assailed the judgment of conviction on merits rather he has restricted his prayer only qua quantum of sentence.

CONCLUSION

13. The learned counsel for the appellant has at the very outset submitted that the appellant does not intend to assail the impugned judgment of conviction dated 27.08.2014 on merits and has no grievance against the judgment of conviction, as he has already completed his sentence. The above position was not disputed by the learned State counsel rather he affirms that the appellant has already

completed the sentence of five years as imposed upon him by the learned trial Court. Faced with the situation when the appellant himself is not pressing the appeal on merits, even to the extent of removal of stigma attached to him on account of his conviction, learned counsel for the appellant contends that he has no grievance if the present appeal is disposed of in terms of the sentence already undergone, as the appellant is not in public employment nor is he eligible for any such employment, being aged 48 years as of today.

14. Consequently, the judgment of conviction dated 27.08.2014 passed by the learned Sessions Judge, Sonapat convicting the appellant is upheld. However, keeping in view the prayer made by counsel for the appellant that the present appeal may be disposed of as the appellant has already undergone the sentence imposed upon him, no further orders are required and the instant appeal is disposed of as such.

15. Pending miscellaneous application(s), if any, shall also stand disposed of.

16. The case property, if any, may be dealt with as per rules after expiry of period of limitation for filing the appeal(s). Record of the case be sent back to the Court below.

(HARPREET SINGH BRAR)
JUDGE

September 22, 2023
Pankaj*

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No