

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

CRR-1746-2007
Decided on : 20.01.2023

Ramesh Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rakesh Nehra, Sr. Advocate with
 Mr. Ankit Yadav, Advocate and
 Mr. Sourabh Bhoria, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

Instant revision petition has been preferred against the judgment dated 13.04.2005 and order of sentence dated 15.04.2005 passed by CJM, Fatehabad vide which the accused-petitioner was convicted under Section 279/304-A IPC and sentenced to undergo rigorous imprisonment for a period of one year along with fine of Rs.5000/- and in default of payment of fine, petitioner was directed to further undergo imprisonment for a period of three months. Vide judgment 05.09.2007, the order of conviction passed by the trial Court was upheld by the Appellate Court.

Learned counsel for the petitioner has fairly submitted that in view of the findings of fact recorded by both the Courts below, he would not press the instant revision petition on merits and would instead restrict his prayer qua the sentence only. Learned counsel submits that the occurrence in question pertains to the year 1998 and the petitioner has thus, suffered the agony of trial for the last 24 years. Learned counsel further submits that the petitioner has been leading the life of a disciplined and

peace loving citizen ever since then and is not involved in any other criminal case. A prayer, therefore, has been made that in the aforesaid facts and circumstances, a lenient view be taken and the quantum of sentence awarded to the petitioner by the trial Court be reduced to already undergone as no useful purpose would be served by sending the petitioner behind bars.

Custody certificate, which has been filed by the State counsel today in Court, does not reflect the involvement of the petitioner in any other criminal case.

Heard learned counsel for the parties and perused the relevant material available on record.

Keeping in view the facts and circumstances of the case as well as the prayer made by counsel for the petitioner, this Court is of the considered view that ends of justice would be met, if while maintaining the conviction of the petitioner his substantive sentence of one year under Section 279/304-A IPC, is reduced to the sentence already undergone by him in the present case. However, there would be no modification qua the fine of Rs.5,000/- imposed upon the petitioner by the trial Court.

With this modification, the present petition stands disposed of.

(MANJARI NEHRU KAUL)
JUDGE

20.01.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No