

314 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR-1139-2008

Date of Decision: 23.03.2023

Lachhman Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: None for the petitioner.

Mr. Harjinder Singh Sidhu, AAG, Punjab.

HARSH BUNGER J. (ORAL)

Prayer in the present petition is for setting aside impugned judgment of conviction and order of sentence dated 28.02.2006 passed by the Court of Chief Judicial Magistrate, Moga as well as judgment dated 15.04.2008 passed by the Court of Additional Sessions Judge, Moga, thereby upholding the aforesaid judgment of conviction and order of sentence dated 28.02.2006.

The petitioner, namely Lachhman Singh, was convicted under Section 304-A of the Indian Penal Code vide judgment of conviction dated 28.02.2006 passed by the Court of Chief Judicial Magistrate, Moga. Vide separate order of even date, the petitioner was sentenced to undergo rigorous imprisonment for a period of one year, besides payment of fine of Rs.4,000/- and in default thereof, to further undergo imprisonment for a period of three months. Thereafter, the petitioner filed an appeal against the

said judgment of conviction and order of sentence dated 28.02.2006, which was also dismissed by the Court of Additional Sessions Judge, Moga, vide its judgment dated 15.04.2008, wherein the judgment of conviction and order of sentence dated 28.02.2006 passed by the trial Court was upheld. Accordingly, the instant Criminal Revision Petition, along with an application (CRM-27953-2008) seeking suspension of sentence awarded to the petitioner, was filed before this Court.

A perusal of file reveals that the present Criminal Revision Petition was admitted by this Court, vide order dated 04.07.2008, wherein it was recorded that the fine imposed upon the petitioner already stands deposited. Notice in the application seeking suspension of sentence awarded to the petitioner, was also issued on 04.07.2008, however, since no one appeared to represent the petitioner on several dates, accordingly the said application (CRM-27953-2008) was dismissed for want of prosecution, vide order dated 30.10.2008 passed by this Court. Thereafter, the present Criminal Revision Petition was listed for hearing on 09.02.2023, however, there was no representation on behalf of the petitioner on the said date and accordingly it was directed that the petitioner as well as his counsel be notified for 23.03.2023, i.e. today.

Learned State counsel has supplied a copy of custody certificate dated 22.03.2023 of the petitioner in Court today, which is taken on record, subject to all just exceptions. While referring to the said custody certificate, learned State counsel has submitted that the petitioner was released on 20.12.2008 after completion of his actual sentence and the amount of fine had already been paid in the Court.

As per Office Report, notice issued to the petitioner has been

received back unserved with the report that he has died.

In view of the aforementioned facts and circumstances, the present petition stands abated.

All pending application(s), if any, shall also stand closed.

23.03.2023

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No