

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

**231**

**CRR-2610-2010 (O&M)  
Date of decision: 24.01.2023**

Ali Mohammad and another .....Petitioners

Versus

State of Haryana .....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Jamshed Ahmed Khan, Advocate  
for the petitioners.

Mr. Surender Singh, AAG, Haryana.

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**MANJARI NEHRU KAUL, J. (ORAL)**

The petitioners have filed the instant revision petition to impugn the order dated 04.08.2010 passed by learned Additional Sessions Judge, Nuh whereby the appeal preferred by them against the judgment of conviction dated 01.08.2009 and order of sentence dated 03.08.2009 passed by learned Judicial Magistrate 1<sup>st</sup> Class, Ferozepur Jhirka, was dismissed.

Vide judgment judgment of conviction dated 01.08.2009 and order of sentence dated 03.08.2009, learned Judicial Magistrate 1<sup>st</sup> Class, Ferozepur Jhirka, convicted and sentenced the petitioners as under:-

| Offence(s)       | Period of sentence(s) | Fine imposed    | Period of sentence in default of payment of fine |
|------------------|-----------------------|-----------------|--------------------------------------------------|
| 279 of the IPC   | RI for 06 months      | -               | -                                                |
| 304-A of the IPC | RI for 01 Year        | Rs.5,000/- each | -                                                |

Both the sentences were ordered to be run concurrently.

I have perused the judgments passed by Courts below and do not find any illegality much less perversity in the impugned judgment of conviction and order of sentence.

Learned counsel for the petitioners 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 2000 and the petitioners have thus, suffered the agony of trial for almost 23 years. Learned counsel further submits that the petitioners have been leading the life of a disciplined and peace loving citizen ever since then and are 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 petitioners by the Trial Court be reduced to the period already undergone as no useful purpose would be served by sending the petitioners behind bars.

The custody certificates, which are on record, do not reflect the involvement of the petitioners 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 submissions made by learned counsel for the petitioners, this Court is of the considered view that ends of justice would be met, if while maintaining the conviction of the petitioners their substantive sentence of 01 year is reduced to the period of sentence already

undergone by them in the present case.

However, fine imposed on the petitioners is enhanced from Rs.5,000/- to Rs.10,000/- each. It is made clear that in case of non-deposit of fine with the Trial/successor Court within a period of two months from the date of this order, benefit of reduction of sentence shall not accrue to the petitioners and they will be required to undergo the remaining part of the sentence awarded to them.

With the aforesaid modifications, the instant revision petition is disposed of.

24.01.2023

Vinay

(MANJARI NEHRU KAUL)  
JUDGE

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |