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CRA-D-626-DB-2003 with

Randhir @ Dhira and others Vs. State of Haryana

CRR-1767-2003

Rullah Ram Vs. Randhir alias Dhira and others

Present: Mr. Rahul Rathore, Advocate
for the appellants (in CRA-D-626-DB-2003).

Mr. S.S. Narula, Advocate for the petitioner
(in CRR-1767-2003).

Mr. P.P. Chahar, Sr. DAG, Haryana.

Order on quantum of Sentence:-

1. In compliance of the verdict passed by this Court on 26.07.2024, six of the accused/convicts are produced today in the custody of ASI Sanjay, Police Station, Assandh, District Karnal, for theirs being heard on the quantum of sentence.
2. Learned State counsel submits that the instant case is the rarest of rare case, wherebys, capital punishment is required to be imposed upon the present convicts/accused. However, in the facts and circumstances of the present case, the above submission is liable to be rejected.
3. At this stage, the learned Senior Deputy Advocate General, Haryana, on instructions imparted to him by ASI Sanjay, Police Station Assandh, District Karnal, submits that one of the accused, namely, Kaladhari son of Nathu, had expired on 21.07.2017. Therefore, when the demise of the said accused had occurred during the pendency of the instant appeal before this Court, as such, though the said appeal was required to become declared to be abated qua the said accused. However, it appears that on account of non-intimation of the above fact, to the learned Deputy Advocate General, Haryana, that the said fact also remained unintimated to this Court.

4. Be that as it may, since the verdict has been pronounced against the deceased/convict, despite the fact that the said deceased/accused, had died during the pendency of the instant appeal before this Court, therebys, in so far as the passing of the decision on 26.07.2024 against the said deceased/convict is concerned, is reviewed but only in so far as the said accused is concerned.

5. In consequence, the request for the deletion the name of the accused/deceased, namely, Kaladhari from the memo of parties of the apposite criminal appeal as well as from the criminal revision, being caused by the Registry of this Court., thus, is allowed. Moreover, any findings returned against the said deceased/convict be also not read against him. In addition therebys, neither the said deceased/convict is required to be heard on the quantum of sentence, nor any sentence is required to be passed against him.

6. However, since the conviction as recorded but only in so far as the decision rather is reviewed, thus, the proceedings in the instant appeal, as drawn against the said deceased/accused (supra), are also required to become declared to become abated qua only the concerned.

7. Moreover, learned counsel for the accused/convicts also argues before this Court that since the impugned judgment was rendered in the year 15.07.2003, and, arose from the commission of offences in the year 2000, therebys, the substantive sentence of imprisonment lesser than the substantive sentence of life imprisonment, be imposed upon the convicts/accused.

8. However, the above submission is rejected as in terms of the provisions envisaged in Section 302 of the IPC, this Court is bound to impose the substantive sentence of life imprisonment, upon the convicts. Therefore, any substantive sentence of imprisonment lesser than of life imprisonment, rather is not imposable upon the accused/convicts.

9. In consequence, the accused/convicts are sentenced to undergo the hereinafter substantives sentences of imprisonment:-

<u>Offence under Section(s)</u>	<u>Sentence(s)</u>	<u>Fine</u>	<u>Sentence in default payment of fine</u>
302 read with 149 IPC	Rigorous imprisonment for life	Rs.25,000/- each	Rigorous imprisonment for three months each.

10. The period(s) spent in prison by the convicts, thus during investigation or trial, are, in terms of Section 428 of Cr.P.C., thus, ordered to be set off from the above imposed substantive sentence(s) of imprisonment, upon, the convicts.

11. The fine, if any, realized from the accused/convicts, shall be disbursed to the members of the family of the deceased-victim.

12. The Registry of this Court, is accordingly, directed to prepare the committal warrants, for therebys, the present accused/convicts being lodged in District Jail, Karnal.

13. Moreover, a copy of the verdict passed by this Court on 26.07.2024 along with a copy of the order of sentence being passed today by this Court, be forthwith, supplied free of cost, to the present accused/convicts.

14. A photocopy of this order be placed on the file of another connected case.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

August 05, 2024
Anjal