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CRA-D-933-DBA-2003

State of Haryana vs. Vijay Kumar

Present: Mr. P.P. Chahar, Sr. D.A.G. Haryana

Mr. Akashdeep Singh, Advocate (legal aid counsel)
for the respondent

Order on quantum of Sentence:-

1. In compliance of the verdict passed by this Court on 08.08.2024, respondent is produced today in the custody of SI Satyanarayan, District Jail Bhiwani, for his 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 convict/accused. However, in the facts and circumstances of the present case, the above submission is liable to be rejected.
3. Moreover, learned counsel for the accused/convict argues before this Court that since the impugned judgment was rendered on 26.05.2003, and, arose from the commission of offences in the year 1999, therebys, the substantive sentence of imprisonment lesser than the substantive sentence of life imprisonment, be imposed upon the convict/accused.
4. 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 convict. Therefore, any substantive sentence of imprisonment lesser than of life imprisonment, rather is not imposable upon the accused/convict.
5. In consequence, the accused/convict is sentenced to undergo the hereinafter substantive sentence of imprisonment:-

<u>Offence under Section(s)</u>	<u>Sentence(s)</u>	<u>Fine</u>	<u>Sentence in default payment of fine</u>
302 IPC	Rigorous imprisonment for life	Rs.1,00,000/-	Rigorous imprisonment for three months.

06. The period(s) spent in prison by the convict, 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 convict.
07. The fine, if any, realized from the accused/convict, shall be disbursed to the members of the family of the deceased-victim.
08. The Registry of this Court, is accordingly, directed to prepare the committal warrants, for therebys, the present accused/convict being lodged in District Jail, Bhiwani.
09. Moreover, a copy of the verdict passed by this Court on 08.08.2024 along with a copy of the order of sentence passed today by this Court, be forthwith, supplied free of cost, to the present accused/convict.
10. A photocopy of this order be placed on the file of another connected case.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

August 12, 2024
G Arora