

(246)

CRA-D-18-DBA-2003 with

State of Haryana Vs. Kashmiri Lal and others

CRR-908-2003

Ishar Dass Vs. Kashmiri Lal and others

Present: Mr. Pardeep Prakash Singh Chahar, Sr. DAG, Haryana,
for the appellant (in CRA-D-18-DBA-2003).

None for the petitioner in CRR-908-2003 and
for the complainant in CRA-D-18-DBA-2003.

Mr. V.P. Singh, Advocate for respondents
No. 3 to 5/accused-convicts.

Order on quantum of Sentence:-

1. In compliance of the verdict passed by this Court on 26.07.2024, all the accused/convicts(respondents No.3 to 5) are produced today in custody of SI Suresh Pal, Police Station, Naggal, District Ambala, for theirs being heard on the quantum of sentence.
2. Learned State counsel submits that the instant case is the rarest of rare case, whereby 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. Moreover, the learned counsel for the convicts/respondents No. 3 to 5 also argues before this Court that since the impugned judgment was rendered in the year 18.07.2002, and, arose from the commission of offences in the year 2000, thereby the substantive sentence of imprisonment, lesser than the substantive sentence of life imprisonment, be imposed upon the convicts/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 convicts. Therefore, any substantive sentence of imprisonment, lesser than of life imprisonment, rather is not imposable upon the accused/convicts.
5. In consequence, the convicts/respondents No.3 to 5 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 149/148 IPC	Rigorous imprisonment for life	Rs.25,000/- each	Rigorous imprisonment for three months each.
326 read with 149/148 IPC	Two years	Rs.25,000/- each	Rigorous imprisonment for three months each.
324 read with 149/148 IPC	Two years	Rs.5,000/-	Rigorous imprisonment for 15 days each.
323 read with 149/148 IPC	Two years	Rs.1000/-	Rigorous imprisonment for 03 days each.

6. However, all the sentences (supra) shall run concurrently. The periods 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.
7. The fine, if any, realized from the accused/convicts, shall be disbursed to the members of the family of the deceased-victim.
8. The Registry of this Court, is accordingly, directed to prepare committal warrants, for therebys, the present accused/convicts being lodged in Central Jail, Ambala.
9. Moreover, a copy of the verdict passed by this Court on 26.07.2024 along with a copy of the order of sentence passed today by this Court, be forthwith, free of cost, be supplied, to the present accused/convicts i.e. respondents No.3 to 5 herein.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

August 05, 2024
Anjal