

2024:PHHC:130181



**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

111

**CRR-1141-2008 (O&M)
Date of decision: 01.10.2024**

Pardeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ajit Sihag, Advocate
for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

MANISHA BATRA, J. (Oral)

1. The present revision petition has been filed against the judgment of conviction and order on quantum of sentence, both dated 25.03.2005, passed by the Court of learned Sub Divisional Judicial Magistrate, Charkhi Dadri in criminal case arising out of the FIR No. 111 dated 06.07.1998, registered under Sections 279, 337 and 338 of IPC at Police Station Badhra, whereby the petitioner was held guilty for commission of offences punishable under Sections 279, 337 and 304-A of IPC and was sentenced to undergo rigorous imprisonment for maximum 02 years with default clause of fine; as well as against the judgment dated 20.05.2008, whereby the appeal of the petitioner had been dismissed by the Court of learned Additional Sessions Judge, Bhiwani, however, his sentence awarded under Section 304-A of IPC was reduced to 01 year.

2. Today, learned counsel for the petitioner has made a statement so as to not to press the present revision against the judgment of conviction,

2024:PHHC:130181



passed by the trial Court, as well as the judgment passed by the appellate Court. Learned counsel confines his prayer against the order of sentence only. It is further submitted that petitioner is not the previous convict nor any other case is pending against him and so looking into these circumstances, the petitioner may be sentenced for the period already undergone by him.

3. Learned State Counsel has no serious objection to the aforesaid prayer. He has filed custody certificate, as per which, the petitioner has already undergone actual sentence of 04 months and 25 days out of total sentence of 01 year as awarded by the lower appellate Court.

4. After hearing the counsel for the parties, I uphold the judgments of conviction passed by the Courts below as the same are based on appreciation of prosecution evidence, proving guilt of the petitioner, however, considering the fact that the petitioner has faced the agony of protracted trial and he has already undergone actual sentence of 04 months and 25 days and is not involved in any other case, which shows that he has improved his character and has joined the mainstream of the society, the order on quantum of sentence is modified to the extent that the same is reduced to the period already undergone by him. However, the fine imposed upon the petitioner is upheld.

5. The personal/surety bonds of the petitioner be discharged accordingly. Let a copy of this order be sent to the Court concerned for compliance and information.

01.10.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No