



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

210

CRR-1388-2012

Date of Decision: 08.05.2024

Sarif

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Azam Khan, Advocate for
Mr. Salim Ahmed, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Ms. Kriti Lohar, Advocate for
Ms. Monisha Lamba, Advocate for the complainant.

NIDHI GUPTA, J. (ORAL)

By way of filing the present revision, the petitioner-accused has assailed the judgment of conviction dated 21.04.2012 and order of sentence dated 23.04.2012, passed by the learned Additional Sessions Judge, Nuh, in an appeal filed by respondent-State, **reversing the judgment of acquittal dated 24.11.2009**, passed by the learned trial Court, in a case arising out of FIR No. 69 dated 25.03.2002, registered under Section 354 IPC at Police Station Nuh.

Petitioner-Sarif has been convicted and sentenced by the learned Additional Sessions Judge, Nuh, as under:-



Under Section	Sentence imposed	In default of payment of fine
354 IPC	Rigorous imprisonment for 01 year and 06 months and fine of Rs.29,687/-.	Simple imprisonment for a period of 03 months.

The sentence of the petitioner was suspended by the learned Additional Sessions Judge, Nuh, vide order dated 23.04.2012, for a period of one month, so as to enable the petitioner to file appeal/revision before this Court against the impugned judgment. Thereafter, the petitioner has filed the instant revision on 06.05.2012 before this Court and notice of motion in the same was issued by a co-ordinate Bench of this Court vide order dated 10.05.2012. The revision petition stands admitted by a co-ordinate Bench of this Court vide order dated 21.05.2012 and the sentence of the petitioner was also ordered to be suspended during the pendency of instant revision petition.

Custody certificate dated 01.05.2024 filed by learned counsel for the State is taken on record, as per which the applicant-appellant has undergone total sentence of only 03 days out of the sentence of 1½ years awarded to him under Section 354 IPC.

Perusal of the order sheets reveals that after suspending the sentence of the petitioner, the matter has been listed for hearing for 08 times i.e. on 04.05.2016, 20.01.2017, 06.12.2017, 19.03.2018, 23.04.2018, 19.09.2018, 22.01.2020 and 16.03.2022; and the same was consistently adjourned either at the request of learned counsel for the petitioner or on account of non appearance on his behalf. Even vide order



dated 19.03.2018, last opportunity was also granted to learned counsel for the petitioner to address arguments. Further, perusal of the file shows that for the last two dates of hearing i.e. 22.01.2020 and 16.03.2022, the petitioner had gone un-represented.

Today, learned proxy counsel appearing for the petitioner prays for an adjournment on the ground that learned arguing counsel is out of station. There is no justification to entertain the request of learned proxy counsel for the petitioner. From the facts noticed above, it can safely be presumed that the petitioner or his counsel is not interested in pursuing the instant revision. Thus, this Court is left with no other option except to dismiss the instant revision petition.

Ordered accordingly.

A copy of this order be sent to the Chief Judicial Magistrate, Nuh, who shall issue warrants of arrest against the petitioner to undergo remaining part of the sentence.

08.05.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No