



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Criminal Revision No.3071 of 2014
Date of Decision: 18.10.2024

Hanuman Singh and another ... Petitioners

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sarfraj Hussain, Advocate,
for the petitioners.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The instant revision petition has been filed by the petitioners challenging the judgment of conviction dated 21.10.2013 and the order on quantum of sentence dated 23.10.2013 passed by the Court of learned Judicial Magistrate 1st Class, Nuh in Criminal Case No.144 of 2013 titled as *State v. Jakir and another* in case arising out of FIR No.308 of 2010 registered under Section 4-A read with Section 8 of Punjab Prohibition of Cow Slaughter Act, 1955 (For short “Act, 1955”) at Police Station Tauru, District Mewat, whereby the petitioners had been held guilty under the aforementioned sections and were sentenced to undergo rigorous

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imprisonment for a period of one year and to pay fine of Rs.1,000/- each and in default of payment of fine, they were further sentenced to undergo simple imprisonment for two months. They also challenged the judgment dated 28.08.2014 passed by the Court of learned Additional Sessions Judge, Mewat in Criminal Appeals No.31 of 2013 and 33 of 2013 passed thereby upholding the judgment and order of the trial Court.

2. As per the prosecution case, as on 21.09.2008, the petitioners were apprehended while they were transporting cows and bulls from Haryana to Rajasthan by loading the cattle in a TATA vehicle for the purpose of slaughtering. Two cows and two bulls were recovered from the vehicle. The petitioners were challaned after completion of investigation. Finding a prima facie case for commission of offence punishable under Section 4-A read with Section 8 of the Act, 1955, they were charge-sheeted accordingly. They pleaded not guilty to the charges and claimed trial.

3. The prosecution examined six witnesses in support of its case. Statements of the petitioners were recorded under Section 313 of Cr.P.C. They did not adduce any defence evidence on granting opportunity to do so. On appraising the evidence produced on record and hearing the contentions raised by learned Public Prosecutor and learned counsel for the petitioners, they had been held guilty and convicted as mentioned above.

4. As revealed from the record, the appeals preferred by the present petitioners-appellants against their conviction, had been dismissed by the Court of learned Additional Sessions Judge, Mewat.

5. The petitioners have challenged the findings given by the

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Courts below by filing this revision petition. However, at the very outset, learned counsel for the petitioners submitted that he did not contest the petition on merits and restricted his argument to the extent to which the sentence part is concerned and by submitting that the petitioners have faced trial for a long time and the sentence awarded to them is harsh, it is prayed by him that this Court may reduce the sentence of the petitioners to the period already undergone.

6. Custody certificate has been filed as per which the petitioner-Hanuman Singh before suspension of his sentence had undergone a period of 02 months and 24 days in custody whereas the petitioner-Jakir before suspension of his sentence had undergone a period of 02 months and 13 days in custody. The petitioners had been booked in this case in the year 2010. They have suffered mental agony due to registration of criminal case against them. They have already undergone sentence for the aforementioned period. In the opinion of this Court, the sword of Damocles is not to hang over their heads for all times to come. Considering totality of the facts and circumstance, while maintaining conviction of the petitioners, it is directed that the sentence awarded to them shall be reduced to the period already undergone by them. However, the sentence of fine imposed by the trial Court and affirmed by the Appellate Court shall remain intact. Ordered accordingly. The personal and surety bonds furnished by the petitioners before the trial Court be discharged subject to their depositing fine as imposed by the trial Court if not deposited so far. The petition stands disposed of accordingly.

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7. A copy of this order be sent to the concerned Court.

18.10.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No