

2025:PHHC:066220



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Date of Decision:-19.05.2025

CRR-627-2009(O&M)

Om Parkash.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

AND

CRR-810-2009(O&M)

Jai Pal.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Pawan Kumar, Senior Advocate assisted by
Ms. Vidushi Kumar, Advocate for the Petitioner
(in CRR-627-2009).

Ms. Dheerja, Advocate, Amicus Curiae for the Petitioner
(in CRR-810-2009).

Mr. Viney Phogat, Deputy Advocate General, Haryana.

JASJIT SINGH BEDI, J.(ORAL)

By this common order I shall dispose of both the
aforementioned revision petitions as the same have arisen out of one and the
same FIR.

2. The present revision petitions have been filed impugning the

judgment dated 02.03.2009 passed by Additional Sessions Judge, Faridabad whereby the appeals filed against the judgment of conviction and order of sentence dated 26/27.07.2005 passed by Presiding Officer, Special Environment Court, Faridabad has been dismissed.

3. Today case was listed for hearing. None has put in appearance on behalf of the petitioner-Jai Pal in CRR-810-2009. Same was the position on the last date of hearing. Ms. Dheerja, Advocate bearing Enrolment No.PH/9425/2022 present in court is hereby appointed as Amicus Curiae to assist this Court on behalf of the petitioner-Jai Pal in CRR-810-2009. The Registry is directed to pay her fee as per rules.

4. The FIR in the present case came to be registered on 29.01.2001. The judgment of conviction was passed on 26/27.07.2005 by the Presiding Officer, Special Environment Court, Faridabad. The Appeal filed against the order of conviction was dismissed on 02.03.2009 by the Additional Sessions Judge, Faridabad. The instant revision petitions were filed on 10.03.2009 and 26.03.2009 and has come up for final hearing now i.e. after a period of more than 24 years from the date of registration of the FIR.

5. The brief facts of the case are that Jai Pal (petitioner in CRR-810-2009) and Om Parkash (petitioner in CRR-627-2009) owner of Prince Hotel were arrested for keeing in their possession of 26 & 22 partridges respectively. On submission of the challan and conclusion of the Trial, they came to be convicted and sentenced by the Presiding Officer, Special Environment Court, Faridabad vide judgment and order of sentence dated 26/27.07.2005 as under:-

Offences under Section	Sentence	Fine	RI/SI in default of payment of fine
Section 51 of Wild Life (Protection) Act, 1972	RI for 03 Years each	Rs.5000/- each	RI for 06 Months each

6. The accused/petitioners preferred appeals which came to be dismissed by the Court of Additional Sessions Judge, Faridabad, vide judgment dated 02.03.2009 thereby dismissing their appeals.

7. The aforementioned judgments are under challenge in the present revision petition.

8. During the pendency of the instant revision petitions, the sentence of the accused/petitioners were suspended vide orders dated 30.04.2009 respectively.

9. The learned Senior Counsel for petitioner in CRR-627-2009 and the Amicus Curiae for the accused/petitioner in CRR-810-2009 at the very outset submit that they do not wish to challenge their conviction but keeping in view the fact that the FIR came to be registered on 29.01.2001 and the petitions have come up for final hearing now after a gap of more than 24 years, their sentence be reduced to the period already undergone by them.

10. The Counsel for the State on the other hand has placed on record the custody certificates dated 16.05.2025. He contends that the nature of the allegations leveled against the petitioners does not entitle them to any concession. Therefore, the present petitions are liable to be dismissed without any modification.

11. I have heard counsel for the parties.

12. A perusal of the record would reveal that it stands established beyond any shadow of doubt that the petitioners were apprehended with dead partridges and therefore their conviction has rightly been recorded. However, the FIR in the instant case came to be registered in 2001. The appeals filed by the petitioners were dismissed on 02.03.2009. The present revision petitions were filed in the year 2009 and the petitioners were

granted the benefit of suspension of sentence on 30.04.2009 respectively. Therefore, while upholding their conviction I deem it appropriate to reduce the sentence imposed on the accused/petitioners to the period already undergone by them i.e. 02 months respectively. However, the sentence of fine and sentence in default of payment of fine shall remain intact.

13. Both the revision petitions stands disposed of in the above terms.

(JASJIT SINGH BEDI)
JUDGE

May 19, 2025
Vinay

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No