

(2013) 05 P&H CK 0229

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Revision No. 1193 of 2013 (O and M)

Ramphal and Others

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: May 7, 2013

Hon'ble Judges: Paramjeet Singh, J

Bench: Single Bench

Advocate: Bijender Dhankhar, for the Appellant; Sandeep S. Mann, D.A.G., Haryana, for the Respondent

Final Decision: Disposed Off

Judgement

Paramjeet Singh, J.

This revision petition has been preferred by the petitioners against judgment dated 23.3.2013 passed by learned Additional Sessions Judge, Sonapat, thereby dismissing the appeal preferred by the petitioners against the judgment of conviction dated 24.5.2011 and order of sentence dated 25.5.2011 passed by the learned Additional Chief Judicial Magistrate, Sonipat, vide which the petitioners have been convicted and sentenced to undergo rigorous imprisonment for six months and to pay fine of Rs. 1,000/- each for commission of offence punishable u/s 448 IPC, in default of payment of fine to further undergo simple imprisonment for one month each. I need not dilate upon the facts of this case in detail as the same have already been recapitulated in the judgment of the learned Courts below and in view of the ultimate prayer of the petitioners seeking reduction in sentence.

2. I have heard the learned counsel for the parties and perused the record.

3. Learned counsel for the petitioners states that he is not pressing this revision on merit and is not challenging the conviction on merit. He is only aggrieved against the sentence part. However, he prays that the sentence of the petitioners be suitably reduced as this criminal trial is hanging on their head like damocle's sword for 6 = years and it should be a sufficient mitigating circumstance to treat them

leniently. Counsel for the petitioners has further submitted that the FIR pertains to the year 2006 and since then a period of 6-1/2 years has elapsed. The petitioners have suffered the ordeal for long period. Learned counsel for the petitioners further contends that the petitioners have already undergone one month and fourteen days.

4. In view of the arguments advanced by learned counsel for the petitioners, which have been noted above, this Court is of the view that no useful purpose will be served by keeping the petitioners behind the bars further as the petitioners faced ordeal for 6-1/2 years. It is a fit case wherein sentence awarded to the petitioners can be reduced to already undergone. Ordered accordingly. However, sentence of fine and default clause shall remain intact. With the observations made above, present revision petition is disposed of with a direction that the petitioner be released immediately, if not required in any other case.