

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CRIMINAL APPEAL NO(s). 2 OF 2005

DHARAMVIR Appellant (s)

VERSUS

STATE OF HARYANA Respondent(s)

(With office report)

Date: 14/05/2012 This Appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE DIPAK MISRA
(VACATION BENCH)

For Appellant(s) Mr. Subhash Sharma,Adv.

For Respondent(s) Mr. Kamal Mohan Gupta,Adv.

UPON hearing counsel the Court made the following
O R D E R

In terms of the signed order, the appeal stands disposed of. The sentence of the appellant is reduced to the period already undergone.

(O.P. Sharma) (M.S. Negi)
Court Master Court Master
(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO(s). 2 OF 2005

DHARAMVIR ...Appellant

VERSUS

STATE OF HARYANA ...Respondent

O R D E R

Heard Mr. Subhash Sharma, learned counsel for the appellant and Mr. Kamal Mohan Gupta, learned counsel for the respondent-State. Both the learned counsel has taken

us through the impugned judgment of the High Court as well as the judgment of the trial Court and also through the entire evidence.

It is worth noting that the appellant was tried alongwith another accused, namely, Ved Pal and both of them were convicted under Sections 394 and 397 of Indian Penal Code.

On an appeal being preferred to the High Court at the instance of the present appellant, the High Court acquitted him in respect of the offence under Section 397 of IPC but maintained the conviction under Section 394 of IPC and sentenced him to undergo rigorous imprisonment of seven years. Ved Pal had not preferred any appeal before

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the High Court and we have been apprised that he has served out the entire period of sentence, viz, seven years.

Considering the fact that the incident occurred on 2nd July, 1988 and a period of about 24 years has already lapsed and the present appellant has served approximately two years in jail out of seven years of imprisonment, we think it proper in the obtaining factual matrix to reduce the sentence to the period already undergone. That apart, the appellant is on bail for a long time and no fruitful purpose would be served to send him to jail again.

In view of the above, the sentence of the appellant is reduced to the period already undergone.

With these observations, the appeal stands disposed of.

.....J.
[DR. B.S. CHAUHAN]

NEW DELHI
MAY 14, 2012

.....J.
[DIPAK MISRA]