

ITEM NO.8

COURT NO.5

SECTION IIB

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl) No(s).7045/2012
(From the judgement and order dated 09/05/2011 in CRLR No.747/2011 of the
HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

ASHOK KUMAR

Petitioner(s)

VERSUS

STATE OF HARYANA Respondent(s)
(With appln(s) for c/delay in filing SLP,exemption from filing
O.T.,suspension of sentence,c/delay in refiling SLP and office report)

Date: 17/07/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE DIPAK MISRA

For Petitioner(s) Mrs.Rachana Joshi Issar,Adv.(SCLSC)
Ms.Ambreen Rasuool, Adv.
Mr.Dakesh Vashishtha, Adv.

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

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

This Special Leave Petition is directed against the judgment and order passed by the High Court of Punjab and Haryana at Chandigarh in Criminal Revision No.747 of 2011(O & M), dated 09.05.2011.

In the instant case the learned Magistrate has sentenced the petitioner under Sections 8 and 9 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 ('the Act' for short) and to undergo rigorous imprisonment for a period of three years along with fine. However, the learned Additional Sessions Judge has modified the sentence awarded by the learned Magistrate from three years to 18 months with fine. By the impugned judgment and order, the High Court has upheld the conviction and order of sentence passed by the learned Additional Sessions Judge.

: 2 :

Learned counsel for the petitioner has produced before us a copy of the order passed by the High Court in the petitioner's case in Criminal Miscellaneous No.M-33516 of 2011 (O & M), dated 23.01.2013. In the said petition, the petitioner had called in question the correctness or otherwise of the order passed by the learned Magistrate which was affirmed by the High Court. The High Court, relying upon the decision of a Full Bench of the same Court in the case of Jang Singh vs. State of Punjab, 2008 (1) RCR (Criminal) 323, has allowed the petition and set aside the order of conviction and sentence passed by the Trial Court and affirmed by the High Court and has further observed that the sentence imposed by the learned Trial Judge shall run concurrently with the life imprisonment already awarded to the petitioner in F.I.R. No.51 dated 10.04.1996.

In view of the above, we are of the view that nothing survives in this petition for our consideration and decision. Accordingly, the Special Leave Petition is disposed of as having become infructuous. However, it is clarified that we have not expressed any opinion on the correctness or

otherwise of the decision rendered by the Punjab and Haryana High Court under Section 482 of the Criminal Procedure Code.

Ordered accordingly.

(G.V.Ramana)
Court Master

(Vinod Kulvi)
Asstt.Registrar