

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No. 3551/2000

(From the judgement and order dated 21/07/2000 in CRLA 632 SB  
of 2000 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

BALWANT & ORS.

Petitioner (s)

VERSUS

U.T. CHANDIGARH

Respondent (s)

( With Appln(s). for bail and exemption from filing c/c of the  
impugned Judgment and permission to place addl. documents on record )  
( With Office Report )

Date : 02/01/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE R.C. LAHOTI  
HON'BLE MR. JUSTICE BRIJESH KUMAR

For Petitioner (s) Mr. Jasbir Singh Malik, adv.  
Mr. S.K. Sabbarwal, adv.

For Respondent (s) Mr. Nidhesh Gupta, adv.  
Ms. Naresh Bakshi, adv.  
Mr. Naveen Singh, adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....J  
.SP2

Leave granted.  
The appeal is disposed of in terms of the  
signed order.

.SP1

(Kanchan Jain)  
AR-cum-PS

(Prem Prakash)  
Court Master

Signed order is placed on the file.

.....L.....I.....T.....T.....T.....T.....T.....T.....J

CRIMINAL APPEAL NO. 4 OF 2001@@  
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arising out of  
SPECIAL LEAVE PETITION (CRL.) NO. 3551 OF 2000@@  
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Balwant and Others .....Appellants

VS.

U.T. Chandigarh .....Respondent

O R D E R@@  
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.....L.....I.....T.....T.....T.....T.....T.....T.....J  
.SP2

Leave granted.  
On 30th October, 2000, following order was  
made by this Court:

.....L.....I.....T.....T.....T.....T.....J.....  
.SP1

"Issue notice restricted to the  
question of sentence and, in the  
alternative, as to why the matter be not  
remanded to the High Court for disposal  
of the appeal on merits. The notice  
shall be made returnable within two  
weeks."

.....L.....I.....T.....T.....T.....T.....T.....T.....J  
.SP2

Appeal filed by the appellants against their  
conviction and sentence was dismissed by the High  
Court on grounds of delay. We have perused the  
record. The findings recorded by the Trial Court in  
our opinion are sound and based on proper appreciation  
of evidence on record. The appellants, we are  
informed, have already undergone about 8 to 10 months  
of sentence. While maintaining the conviction  
recorded by the trial court on 26th November, 1999, we  
consider it to be in the interest of justice to reduce  
the sentence imposed upon the appellants to the period  
already undergone by them rather than to remand the  
case to the High Court for hearing the appeal.

2.

Accordingly, while upholding their conviction  
as recorded by the trial court, we set aside the  
sentence of fine but reduce the sentence to the  
period already undergone by the appellants.

The appeal is disposed of in the above terms.

.SP1

.....CJI

.....J.  
(R. C. LAHOTI)

.....J.  
(BRIJESH KUMAR)

New Delhi  
January 2, 2001.