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SLP(Crl.)No. 4527 OF 2000

ITEM No.30

Court No. 4

SECTION IIA  
A/N MATTER

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. 4527/2000

(From the judgement and order dated 18/07/2000 in CRLM 19907/2000  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

STATE OF HARYANA & ORS.

Petitioner (s)

VERSUS

KARAMBIR SINGH

Respondent (s)

( With Appln(s). for stay )  
( With Office Report )

Date : 12/03/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAİK  
HON'BLE MR. JUSTICE U.C. BANERJEE

For Petitioner (s)

Mr. Mahabir Singh,Adv.

For Respondent (s)

Mr. Ravindra Bana,Adv.

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

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

Leave granted.  
Appeal dismissed in terms of the signed order.

.SP1

(J.S. Rawat)  
Court Master

(Suneet Bala Sharma)  
Court Master

(Signed order is placed on the file)

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.PL58

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.

OF 2001@@

State of Haryana & Ors.

...Appellant (s)

Versus

Karambir Singh

...Respondent(s)

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

Leave granted.

The short question that arises for consideration is whether the High Court was right in its conclusion in holding that the period for which the convict was released under the provisions of the Haryana Good Conduct Prisoner (Temporary Release) Act, 1988 can be counted for the purpose of the sentence. This question has already been answered by two judgments of this Court in the case of Sunil Fulchand Shah v.@@  
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Union of India & Ors. [(2000) 3 SCC 409] as well in the case@@  
CC  
of State of Haryana and Ors. v. Mohinder Singh [(2000) 3 SCC@@  
CC  
394]. In view of the specific provision contained in the aforesaid Act under Sub-section (3) of Section 3 to the effect that the period of release shall not count towards the total period of the sentence of a prisoner, the High Court erred in law in coming to a conclusion to the contrary. In our view, therefore, the period of parole which had been granted to the convict for seven months 24 days could not have been counted for the purpose of sentence.

(2)

Though we hold that the High Court was in error, but in the circumstances of the present case, we are not inclined to direct that the accused respondent shall serve any further sentence, inasmuch as the High Court committed the error on account of the default on the part of the State to bring to the notice of the High Court the relevant provisions and in not filing return.

This appeal stands dismissed accordingly.

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.....J@@  
BBBBBBBBBBBBBBBBBBBBBBBB  
( G.B. PATTANAIAK )@@  
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New Delhi,  
March 12, 2001.

.....J@@  
BBBBBBBBBBBBBBBBBBBBBBBB  
( U.C. BANERJEE )@@  
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