

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). 1866 OF 2011

RAJU @ RAJINDER

APPELLANT(S)

VERSUS

STATE OF HARYANA

RESPONDENT(S)

ORDER

1. The appellant-accused has assailed the judgment and order dated 06.09.2007 passed by the High Court of Punjab and Haryana at Chandigarh in Criminal Appeal No. 930-SB of 2002, whereby the High Court has dismissed the appeal of the appellant alongwith the other appeals and maintained the conviction and sentence imposed by the Trial Court. The Trial Court had convicted the appellant- accused alongwith the other accused for the offence punishable under Section 395 of the Indian Penal Code (for short "IPC") and imposed punishment to undergo rigorous imprisonment for a period of seven years, and pay fine of Rs.500/- in default thereof to undergo further imprisonment for a period of one month. The Trial Court had also convicted him for the offence under Section 25 of the Arms Act and sentenced him to undergo imprisonment for a period of three years and pay fine of Rs.500/- and in default thereof to undergo further imprisonment for one month. The sentences were directed to run concurrently.

2. Vide the order dated 11.07.2011, this Court had issued notice confining it only to the quantum of sentence.

3. On 17.08.2023, learned counsel for the respondent-State sought time to enquire about the post-bail conduct of the appellant as also about his criminal antecedents. Today, learned counsel for the respondent-State has fairly submitted that there are no criminal antecedents against him. He also submitted that there is nothing on record to show that there was any violation of the conditions of bail on which he was released. The learned counsel for the appellant has submitted that the incident is of 19.01.2001, i.e., more than 22 years old and appellant has already undergone more than three years of sentence. It is further submitted that he is the only breadwinner in the large family, which he has to maintain.

4. Having regard to the submissions made by the learned counsel for the parties and having regard to the fact that the appellant has no criminal antecedents; and that the incident is 22 years old, we are of the opinion that interest of justice would be met if the sentence imposed on appellant is reduced from seven years to five years for the offence under Section 395 of the IPC. Rest of the impugned judgment shall remain unchanged.

5. The appellant being on bail, shall surrender before the Trial Court within two weeks from today for serving out the remaining period of sentence.

6. In view of the above, the appeal stands partly allowed.

7. The learned counsel Mr. Gaurav Agrawal states that he was assigned this matter by the legal aid committee. Hence a copy of this order be communicated to appellant through the Trial Court and through the police station concerned.

8. Pending application(s), if any, shall stand disposed of.

..... J.
[BELA M. TRIVEDI]

..... J.
[DIPANKAR DATTA]

NEW DELHI;
AUGUST 23, 2023.

ITEM NO.101

COURT NO.15

SECTION II-B

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). 1866/2011

RAJU @ RAJINDER

Appellant(s)

VERSUS

STATE OF HARYANA

Respondent(s)

Date : 23-08-2023 This appeal was called on for hearing today.

CORAM : HON'BLE MS. JUSTICE BELA M. TRIVEDI
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Appellant(s) Mr. Gaurav Agrawal, AOR

For Respondent(s) Mr. Arun Kumar, Adv.
Dr. Monika Gusain, AORUPON hearing the counsel the Court made the following
O R D E R

The appeal is partly allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(POOJA SHARMA)
COURT MASTER (SH)(R.S. NARAYANAN)
ASSISTANT REGISTRAR

(Signed order is placed on the file)