
(2011) 04 P&H CK 0113

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 41678 of 2010 in Criminal Appeal No. 2889-SB of 2009 (O and M)

Mukesh Kumar

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 27-04-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 389
Penal Code, 1860 (IPC) — Section 304B

Citation : (2011) 3 DMC 615 : (2011) 2 RCR(Criminal) 971

Hon'ble Judges : Rajan Gupta, J

Bench : Single Bench

Judgement

Rajan Gupta, J.—This is an application u/s 389 Code of Criminal Procedure seeking suspension of sentence in a case in which the applicant-Appellant has been convicted for commission of offence u/s 304-B Indian Penal Code.

2. Learned Counsel for the applicant-Appellant contends that out of substantive Sentence of 07 years awarded to the applicant-Appellant, he has already undergone about 2-1/2 years. According to learned Counsel, applicant- Appellant was a juvenile at the time of occurrence. He submits that appeal is likely to take quite some time to come up for regular hearing, thus, sentence awarded to the applicant-Appellant deserves to be suspended.

3. Learned State Counsel has opposed the prayer for suspension of sentence on the ground that applicant-Appellant has been convicted on the basis of cogent evidence. He submits that in the inquiry conducted by Chief Judicial Magistrate, Kurukshetra it has been found that applicant-Appellant was actually a juvenile.

4. Keeping in view the aforesaid contentions, plea of juvenility and period of incarceration of the applicant-Appellant and the fact that appeal is not likely to be heard finally at an early date, the substantive sentence of the applicant-Appellant is suspended and he is directed to be enlarged on bail to the satisfaction of Chief Judicial Magistrate/Duty magistrate, Kurukshetra.