



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

101

CRA-S-2276-SB-2004

Date of Decision:-27.05.2025

RUJDAR

.....APPELLANT

Vs.

STATE OF HARYANA

....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- None for the appellant.

Mr. R.K.S. Brar, Addl. AG, Haryana.

DEEPAK GUPTA, J. (ORAL)

Appellant was tried by Ld. Additional Sessions Judge, Fast Track Court, Gurugram in a case arising out of FIR No.94 dated 10.06.2003 under Section 307, 498A and 34 IPC registered at Police Station Taoru (Gurugram). After trial, the appellant was convicted under Sections 307 and 498A of IPC vide judgment dated 19.10.2004 by the trial Court and he was sentenced to undergo as under: -

| | | |
|------------------------|---|--|
| Under Section 307 IPC | : | rigorous imprisonment for a period of three years and to pay fine of ₹300/- with default sentence of two months rigorous imprisonment in case of non-payment of fine |
| Under Section 498A IPC | : | rigorous imprisonment for a period of two years and to pay fine of ₹300/- with default sentence of two months rigorous imprisonment in case of non-payment of fine |

2. Against the abovesaid conviction and sentence, this appeal was filed.
3. Today nobody is appearing on behalf of the appellant. This Court has gone through the impugned judgment of the trial Court and finds that conviction has been recorded after proper appreciation of the evidence on record. This Court does not find any reason so as to interfere in the impugned judgment of conviction and as such, the same is hereby maintained.



4. However as far as the impugned order of sentence is concerned it is noticed that appellant was convicted under Section 307 IPC for rigorous imprisonment for a period of three years and to pay fine of ₹300/- with default sentence of two months rigorous imprisonment in case of non-payment of fine and under Section 498A IPC for rigorous imprisonment for a period of two years and to pay fine of ₹300/- with default sentence of two months rigorous imprisonment in case of non-payment of fine.

5. Counsel for the respondent-State states that the appellant has already undergone actual custody sentence of 01 year, 05 months and 03 days and further states that appellant is neither involved in any other criminal case nor involved in any criminal activity after the impugned conviction.

6. In the aforesaid facts and circumstances, it will be in the interest of justice, if the period of imprisonment is reduced to the period already undergone by the appellant, instead of sending him behind bars in the company of hardened criminals.

7. Consequently, the present appeal is partly accepted. By maintaining the impugned judgment against conviction, the order of sentence as passed by the trial Court is modified and the appellant is sentenced to imprisonment for the period already undergone by him. As far as fine is concerned, it will remain same.

8. However, it is made clear that amount of fine, if not paid earlier, shall be deposited before learned Chief Judicial Magistrate concerned, within a period of four weeks from today, failing which the appellant will have to carry out the complete sentence as imposed by the trial Court.

Disposed of.

(DEEPAK GUPTA)
JUDGE

May, 27, 2025

Pry

| | |
|---------------------------|-----|
| Whether Speaking/reasoned | Yes |
| Whether Reportable | No |