

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRR-2207-2007(O&M)****Date of Decision: 03.07.2025****KRISHAN**

. . . .PETITIONER

Vs.

STATE OF HARYANA

. . . . RESPONDENT

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr.Sukhdev Singh and Mr.Vikram Singh, Advocates,
for the petitioner.

Mr.Aman Bahri, Addl. A.G. Haryana.

DEEPAK GUPTA, J. (ORAL)

Petitioner was tried by the Judicial Magistrate 1st Class, Jagadhari in a case arising out of FIR No.267 dated 06.08.1999 under Sections 279/304 IPC registered at Police Station City Yamunanagar. After trial, the petitioner was convicted vide judgment dated 09.06.2005 by the trial Court for offence under Section 304A IPC and was sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹500/- with default sentence of one month simple imprisonment in case of non-payment of fine. However, the appeal against the order dated 09.06.2005, was dismissed by the learned Additional Sessions Judge, Yamuna Nagar at Jagadhri, vide his order dated 02.11.2007.

2. Against the abovesaid conviction and sentence, this revision was filed.

3. Today learned counsel for the petitioner stated at the outset that petitioner does not press the revision against the judgment of conviction; and that petitioner confines his prayer only against order of sentence. It is submitted that the petitioner would be satisfied, in case he is sentenced to imprisonment for the period already undergone by him.

4. Learned counsel points out that offence pertains to the year 2003; and at that time of recording of the conviction in the year 2007, the

age of the petitioner was 64 years as recorded in the custody certificate, which means that now he is 82 years of age and no purpose shall be served by keeping the petitioner behind the bars; that petitioner has already undergone total sentence of 01 month 05 days, he deserves to be sentenced for the period already undergone by him.

5. Learned State counsel has not seriously objected to the aforesaid prayer.

6. The custody certificate placed on record by the respondent-State would reveal that petitioner has already undergone total sentence of 01 month and 05 days. It is revealed further that he has no criminal antecedents. The offence had taken place way back in 2003 i.e. 22 years back.

7. 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 petitioner, instead of sending him behind bars in the company of hardened criminals.

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

9. 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 petitioner will have to carry out the complete sentence as imposed by the trial Court.

Disposed of.

03.07.2025

Vivek

(DEEPAK GUPTA)

JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>No</i>