



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

202

CRR-2108-2007 (O&M)

Date of Decision.:02.07.2025

Ram Babu

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sunil Kumar Rana, Advocate for
Mr. S.S. Siao, Advocate for the petitioner.

Ms. Pratibha Bali, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

Petitioner Ram Babu was tried by learned Judicial Magistrate 1st Class, Camp at Amloh in a case arising out of FIR No.38 dated 21.04.1998 under Sections 279, 337, 304-A of the IPC registered at Police Station Gobindgarh. After trial, the petitioner was convicted under Sections 279, 337, 304-A of the IPC vide judgment dated 30.07.2004 by the trial Court and was sentenced to undergo rigorous imprisonment for a maximum period of one year and to pay maximum fine of ₹1,000/- with default sentence of one month rigorous imprisonment in case of non-payment of fine. On appeal, the judgment of conviction and order of sentence were upheld by the Court of learned Additional Sessions Judge, Fatehgarh Sahib vide judgment dated 03.10.2007.

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

3. Today learned counsel for the petitioner stated at the outset that petitioner does not press the petition against the judgment of



CRR-2108-2007 (O&M)

-2-

conviction; and that petitioner confines his prayer only against order of sentence. It is submitted that 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 1998; that petitioner was young person of 27 years at that time; that petitioner has already undergone total sentence of 04 months and 11 days and is not involved in any other case and so, 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 04 months and 11 days. It is revealed further that he had no criminal antecedents. Nothing has been brought on record to suggest that after his conviction, petitioner has been involved in any other case. He was 27 years of age at the time of offence, which had taken place way back in 1998 i.e. 27 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.

9. However, it is made clear that amount of fine, if not paid earlier, shall be deposited before learned Chief Judicial Magistrate



CRR-2108-2007 (O&M)

-3-

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.

**(DEEPAK GUPTA)
JUDGE**

July 02, 2025

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No