



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

201

CRA-S-1533-SB-2013 (O&M)

Date of Decision.: 27.05.2025

Om Parkash

.....Appellant

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Saksham Dudeja, Advocate for the appellant.

Ms. Pratibha Bali, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

Appellant Om Parkash was tried by Ld. Additional Sessions Judge, Ludhiana in a case arising out of FIR No.43 dated 26.02.2006 under Sections 279, 337, 338, 304 of the IPC registered at Police Station Division No.6, Ludhiana. After trial, the appellant was convicted under Sections 304-A and 279 of IPC vide judgment dated 05.04.2013 by the trial Court and was sentenced to undergo rigorous imprisonment for a maximum period of 01 year and to pay maximum fine of ₹1,000/- with default sentence of maximum 10 days rigorous imprisonment in case of non-payment of fine.

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

3. Today learned counsel for the petitioner stated at the outset that appellant does not press the appeal against the judgment of conviction; and that appellant confines his prayer only against order of sentence. It is submitted that appellant 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 2006; that appellant has already undergone total sentence of 01 month and 27 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 appellant has already undergone total custody sentence of 01 month and 27 days. Custody certificate further indicates that appellant is not involved in any criminal activity after the impugned conviction.

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

8. 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.

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

Disposed of.

**(DEEPAK GUPTA)
JUDGE**

May 27, 2025

Neetika Tuteja

Whether Speaking/reasoned Yes/No

Whether Reportable Yes/No