



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

303

CRA-S-1523-SB-2009

Date of Decision:-02.05.2025

VIKASH ALIAS VICKY

.....Appellant

Vs.

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sarfraz Hussain, Advocate for the appellant.

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

DEEPAK GUPTA, J. (ORAL)

The appellant along with two other appellants namely Arif and Amarjit Singh were tried by learned Additional Sessions Judge, Gurugram in a case arising out of FIR No.341 dated 22.09.2007 under Sections 398, 401 of IPC and Section 25 of Arms Act, registered at Police Station Sohna. Vide judgment dated 28.05.2009, although all three accused including appellant were acquitted of the charges under Sections 398, 393 and 401 IPC, but the present appellant-Vikas was convicted for the offence under Section 25 of Arms Act. Vide a separate order dated 02.06.2009, he was sentenced to undergo rigorous imprisonment for a period of 01 year and also to pay a fine of ₹2,000/- for committing the aforesaid offence fine was paid.

2. Assailing the aforesaid conviction and sentence, the present appeal was filed.

3. Today learned counsel for the appellant 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. As far as the impugned order of sentence is concerned, though learned State counsel has placed on record copy of communication dated 01.05.2025



received from Superintendent District Prison Gurugram Haryana as per which appellant was not found in that jail but perusal of the impugned order dated 02.06.2009 would reveal that it was observed by the trial Court that appellant had earlier remained in custody w.e.f. 22.09.2007 to 12.11.2007; and thereafter from 28.05.2009 to 02.06.2009 i.e. for the period of roughly 54 days.

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

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 them. 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 02, 2025

Pry

Whether Speaking/reasoned	Yes
Whether Reportable	No