



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

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CRR-948-2011

Date of Decision.:29.04.2025

Raju

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. G.S. Punia, Advocate for the petitioner.

Mr. R.K. Takkar, DAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

Petitioner Raju was tried by Ld. Chief Judicial Magistrate, Patiala in a case arising out of FIR No.508 dated 20.09.2000 under Sections 411 and 482 of the IPC registered at Police Station Kotwali, Patiala. After trial, the petitioner was convicted under Section 411 of the IPC vide judgment dated 29.01.2009 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹1,000/- with default sentence of 30 days rigorous imprisonment in case of non-payment of fine.

2. Against the abovesaid conviction and sentence, this revision 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 conviction; and that petitioner confines their 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 2000; that petitioner has already undergone actual sentence of 03 months and 21 days and is not involved in any other case and so, he deserves to be sentenced for the period already undergone by him.

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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 Raju has already undergone actual sentence of 03 months and 21 days. It is revealed further that he has 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 32 years of age at the time of offence, which had taken place way back in 2000 i.e. 25 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 them behind bars in the company of hardened criminals.

8. Consequently, the present revision 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 Raju 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 petitioner will have to carry out the complete sentence as imposed by the trial Court.

Disposed of.

**(DEEPAK GUPTA)
JUDGE**

April 29, 2025

Neetika Tuteja

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