



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

\*\*\*\*

**202**

**CRR-2935-2009 (O&M)**

**Date of Decision:-13.05.2025**

**SHIV DUTT GIR AND ORS.**

**.....PETITIONERS**

**Vs.**

**STATE OF PUNJAB**

**....RESPONDENT**

**CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present:- Mr. Karan Pathak, Advocate with  
Mr.Saksham, Advocate,  
for the petitioner.

Ms. Pratibha Bali, AAG, Punjab.

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**DEEPAK GUPTA, J. (ORAL)**

Petitioners were tried by Ld. Judicial Magistrate Ist Class, Ludhiana in a case arising out of FIR No.60 dated 18.09.2003 under Sections 323, 324, 356 IPC read with Section 34 IPC registered at Police Station Dehlon. After trial, the petitioners were convicted vide judgment dated 09.01.2008 by the trial Court and were sentenced under Section 323 IPC to undergo rigorous imprisonment for a period of six months each and to pay fine of ₹100/- each with default sentence of 07 days each respectively, rigorous imprisonment in case of non-payment of fine, under Section 324 IPC read with Section 34 IPC to undergo rigorous imprisonment for a period of one year each and to pay fine of ₹200/- each with default sentence of 15 days each respectively, rigorous imprisonment in case of non-payment of fine and under Section 356 IPC read with Section 34 IPC to undergo rigorous imprisonment for a period of one year each and to pay fine of ₹200/- each with default sentence of 15 days each respectively, rigorous imprisonment in case of non-payment of fine. The First Appellate Court maintained the conviction as well as sentence as per the order dated 27.10.2009.

2. Against the abovesaid conviction and sentence, this revision was filed.
3. Today learned counsel for the petitioners stated at the outset that petitioners do not press the petition against the judgment of conviction; and that



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petitioners confine their prayer only against order of sentence. It is submitted that petitioners would be satisfied, in case they are sentenced to imprisonment for the period already undergone by them.

4. Learned counsel points out that offence pertains to the year 2003; that petitioners have already undergone actual sentence of two and a half months and they are not involved in any other case and so, they deserve to be sentenced for the period already undergone by them.

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 the petitioners have already undergone actual sentence of two and a half months. It is revealed further that they have no criminal antecedents.

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 petitioners, instead of sending them behind bars in the company of hardened criminals.

8. Consequently, the present revision is partly accepted. By maintaining the impugned judgment against conviction, the order of sentence as passed by the trial Court is modified and the petitioners are sentenced to imprisonment for the period already undergone by them. 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 petitioners will have to carry out the complete sentence as imposed by the trail Court.

Disposed of.

**( DEEPAK GUPTA )  
JUDGE**

**May 13, 2025**

*Pry*

Whether Speaking/reasoned Yes  
Whether Reportable No