

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRR-2310-2010 (O&M)****Date of Decision: 29.05.2025****PREM DASS**

. . . .PETITIONER

Vs.

STATE OF PUNJAB

. . . . RESPONDENT

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr.Gaurav Mohunta, Advocate,
Mr.Pratyush Sood, Advocate, for the petitioner.

Mr.Pratibha Bali, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

Petitioner was tried by the Magistrate 1st Class, Rupnagar in a case arising out of FIR No.187 dated 26.08.2003 under Sections 279/304 IPC registered at Police Station Ropar. After trial, the petitioner was convicted vide judgment dated 04.06.2009 by the trial Court for offence under Section 279 IPC and was sentenced to undergo rigorous imprisonment for a period of six months and to pay fine of ₹500/- with default sentence of one month simple imprisonment in case of non-payment of fine and for offence under Section 304-A IPC, he was sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹500/- with default sentence of one month simple imprisonment in case of non-payment of fine. However, in an appeal, learned Sessions Judge, Rupnagar, vide his order dated 14.08.2010, reduced the sentence for an offence committed under Section 304-A IPC to nine months from 1 year.

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

3. Today learned counsel for the petitioner stated at the outset that petitioner does not press the revision against the judgment of conviction; and that petitioner confines his prayer only against order of sentence. It is submitted that the 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 2003; that petitioner has already undergone total sentence of 01 month 10 days, 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 01 month and 10 days. It is revealed further that he has no criminal antecedents. The offence had taken place way back in 2003 i.e. 22 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. 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 petitioner will have to carry out the complete sentence as imposed by the trial Court.

Disposed of.

29.05.2025

Vivek

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned?	Yes
Whether reportable?	No