

S. No.219

2025:PHHC:051678



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.2569 of 2011 (O&M)

Date of Decision:21.04.2025

Tirath Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Amrindra Pratap Singh, Advocate for
Mr. Gurnam Singh, Advocate for the petitioner.

DEEPAK GUPTA, J. (Oral)

Petitioner- Tirath Singh was tried by Ld. Sub Divisional Judicial Magistrate, Rajpura, in a case arising out of FIR No.61 dated 19.01.2003 under Sections 279/304 IPC registered at Police Station Ghanaur. After trial, the petitioner was convicted under Section 279/304-A of IPC vide judgment of conviction dated 19.04.2010 by the trial Court and vide order of sentence dated 19.04.2010, he was sentenced to undergo rigorous imprisonment for a period of six months and to pay fine of ₹500/- with default sentence of simple imprisonment for two months under Section 279 IPC and was also sentenced to undergo rigorous imprisonment for one year and to pay fine of ₹500/- with default sentence of simple imprisonment for two months under Section 304-A IPC. Both the sentences were ordered to run concurrently. On appeal, the judgment of conviction and order of sentence were upheld by the Court of learned Additional Sessions Judge, Patiala vide judgment dated 26.08.2011.

2. Against the abovesaid orders, this appeal was filed.

3. Today learned counsel for the petitioner stated at the outset that petitioner do not press the revision against the judgment of conviction; and that petitioner confine his 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 2003; that appellant was of 39 years at that time and that he had already undergone total sentence of 02 months and 16 days and so, he deserve to be sentenced for the period already undergone by him.

5. Learned State Counsel has not seriously objected to aforesaid prayer.

6. The custody certificate placed on record by the respondent-State would reveal that petitioner had already undergone total sentence of 02 months and 16 days. It is revealed further that petitioner has no other criminal antecedents. He was of 39 years of age at the time of offence, which 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 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 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.

10. Disposed of.

April 21, 2025
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(DEEPAK GUPTA)
JUDGE

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