

**204 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRR-452-2012****Date of Decision: May 13, 2025****Gurmit Singh****... Petitioner****Versus**

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**Present:-** Ms. Pallavi Bahre, Advocate for
Mr. R.K.S. Brar, Advocate for the petitioner.

Ms. Pratibha Bali, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

Petitioner - Gurmit Singh along with one Jagsir Singh faced trial under Section 406 IPC in a case arising out of FIR No.102 dated 18.03.2008, registered at Police Station City Faridkot, on the allegation that during execution proceedings, titled as "**Sant Ram v. Jagsir Singh**" property of J.D. - Jagsir Singh was attached. The goods of J.D. - Jagsir Singh were released on superdari to petitioner - Gurmit Singh. The allegation is that petitioner misappropriated those goods and did not produce the same in the Court. After trial, petitioner was convicted under Section 406 IPC and sentenced to undergo rigorous imprisonment for a period of 01 year with fine of ₹300/- with default sentence of 07 days. The appeal filed by the petitioner was dismissed by learned Addl. Sessions Judge, Faridkot, vide judgment dated 31.01.2012.

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 present revision petition against the judgment of conviction; and that petitioner confines 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 2008; that petitioner was young person of 42 years at that time; that petitioner has already undergone total sentence of 27 days and is not involved in any other case and so, 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 27 days. It is revealed further that he has no criminal antecedents. Nothing has been brought on record to suggest that after this conviction, petitioner has been involved in any other case. He was young a person of 42 years of age at the time of offence, which had taken place way back in 2008 i.e. 17 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 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 petitioner 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.

May 13, 2025

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(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking:

Yes/No

Whether reportable:

Yes/No