



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

201 (b)

CRA-S-465-SB-2005

Date of Decision.:12.05.2025

Sanjay Kumar

.....Appellant

Vs.

State of U.T., Chandigarh

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ishan Khetarpal, Advocate for
Ms. Sumanjit Kaur, Advocate for the appellant.

Mr. Arav Gupta, APP for U.T., Chandigarh.

DEEPAK GUPTA, J. (ORAL)

Appellant Sanjay Kumar was tried by Ld. Additional Sessions Judge, Chandigarh in a case arising out of FIR No.256 dated 31.08.2001 under Sections 455, 392, 397, 342, 411 and 34 of the IPC registered at Police Station Sector-36, Chandigarh. After trial, the appellant was convicted under Sections 392 and 455 of the IPC vide judgment dated 14.02.2005 by the trial Court and was sentenced to undergo maximum sentence for three years rigorous imprisonment and to pay fine of ₹5,000/- with default sentence of 06 months rigorous imprisonment in case of non-payment of fine.

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

3. Today learned counsel for the appellant stated at the outset that appellant does not press the appeal against the judgment of conviction; and that appellant confines their prayer only against order of sentence. It is submitted that appellant 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 2001; that appellant has already undergone actual sentence of 02 months



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and 18 days 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 appellant has already undergone actual sentence of 02 months and 18 days. Though he is involved in two more cases under Section 379 of the IPC but he is on bail in both those cases.

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 appellant, 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 appellant 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 appellant will have to carry out the complete sentence as imposed by the trial Court.

Disposed of.

**(DEEPAK GUPTA)
JUDGE**

May 12, 2025

Neetika Tuteja

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