



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

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**CRA-S-2635-SB-2009 (O&M)**

**Date of Decision.: 01.07.2025**

**Subhash**

**.....Appellant**

**Vs.**

**State of Punjab**

**.....Respondent**

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

Present:- None for the appellant.

Ms. Pratibha Bali, AAG, Punjab.

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

Appellant Subhash was tried by Ld. Additional Sessions Judge, Barnala in a case arising out of FIR No.86 dated 02.06.2005 under Sections 457, 458, 459, 411, 380 of the IPC registered at Police Station Tapa. After trial, the appellant was convicted only under Section 411 IPC vide judgment dated 27.10.2009 by the trial Court, acquitting him of other charges. He was sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹250/- with default sentence of 15 days imprisonment in case of non-payment of fine, for committing the offence under Section 411 IPC.

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

3. Today nobody is appearing on behalf of the appellant. This Court has gone through the impugned judgment of the trial Court and finds that conviction has been recorded after proper appreciation of the evidence on record. This Court does not find any reason so as to interfere in the impugned judgment of conviction and as such, the same is hereby maintained.

4. However as far as the impugned order of sentence is



concerned it is noticed that appellant was sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹250/- with default sentence of 15 days imprisonment in case of non-payment of fine.

5. The custody certificate placed on record by the respondent-State would reveal that appellant has already undergone total custody sentence of 09 months and 18 days. He was 31 years of age at the time of offence, which had taken place way back in 2005 i.e. 20 years back.

6. 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.

7. 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.

8. 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**

**July 01, 2025**

Neetika Tuteja

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