

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRA-2120-SB-2004 (O&M)**
Date of Decision: 28.05.2025**KULDIP KUMAR**

... APPELLANT

Vs.

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Ms.Manveen Pheruman, Advocate, for the appellant.

Mr.Animesh Sharma, Addl. A.G. Punjab.

DEEPAK GUPTA, J. (ORAL)

Appellant was tried by Ld. Addl. Sessions Judge (Ad hoc), Fast Track Court, Gurdaspur in a case arising out of FIR No.17 dated 20.02.2003 under Sections 306/34 IPC registered at Police Station Dinanagar. The allegations against the appellant were that he was having illicit relations with a woman namely Soma @ Billi, which was objected to many times by his wife namely, Sunita Rani and as the appellant did not mend his ways, his wife Sunita Rani committed suicide. After trial, the appellant was convicted vide judgment dated 21.10.2004 by the trial Court for offence under Section 306 IPC Act and was sentenced to undergo rigorous imprisonment for a period of five years and to pay fine of ₹1000/- with default sentence of six 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 his 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 2003; that appellant has already undergone total sentence of 01 year 10 months and 18 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 appellant has already undergone total sentence of 01 year 10 months and 18 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. Appellant was 36 years of age at the time of offence and now he is of 58 years.

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

Disposed of.

28.05.2025

Vivek

(DEEPAK GUPTA)

JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes
Nos