

2025:PHHC:044321



S. No.104

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

CRA-S-2433-SB of 2004 (O&M)

Date of Decision:02.04.2025

Rajiv alias Raju

.....Appellant

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- None for the appellant.

Mr. R.K.S. Brar, Addl. AG, Haryana.

DEEPAK GUPTA, J. (Oral)

Appellant Rajiv alias Raju was tried by Ld. Additional Sessions Judge, Panchkula in a case arising out of FIR No.134 dated 08.03.2004 under Section 376 and 511 of the IPC registered at Police Station Sector 5, Panchkula, as he was held guilty of kidnapping the prosecutrix aged about eight years from the lawful guardianship of her parents and also attempted to commit rape upon her. After trial, the appellant was convicted under Sections 363, 366 and 376/511 IPC vide judgment dated 12.08.2004 by the trial Court and was sentenced under Section 363 IPC to undergo rigorous imprisonment for a period of three years and to pay fine of ₹500/- with default sentence of two months simple imprisonment in case of non-payment of fine; under Section 366 IPC to undergo rigorous imprisonment for a period of three years and to pay fine of ₹500/- with default sentence of two months simple imprisonment in case of non-payment of fine and under Sections 376/511 IPC to undergo rigorous imprisonment for a period of three years and to pay fine of ₹500/- with default sentence of two months simple imprisonment in case of non-payment of fine. All the substantive sentences were directed to run concurrently.



2. Against the above-said 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 for a period of three years under all the afore-said Sections and to pay fine of ₹500/- with default sentence of two months simple imprisonment in case of non-payment of fine for the afore-said offence.

5. The custody certificate placed on record by the respondent-State would reveal that appellant has already undergone total sentence of 02 years 08 months and 01 days. Custody certificate further indicates that appellant is not involved in any other criminal case after the impugned conviction.

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. As far as fine is concerned, it will remain same.

Disposed of.

April 02, 2025
renu

(DEEPAK GUPTA)
JUDGE

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