

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

**CRR-2884-2022 (O&M)
DECIDED ON: 21.12.2022**

SANDEEP

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Sansar Kundu, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

Aggrieved of the judgment and order of sentence dated 23.08.2016/24.08.2016, passed by learned Judicial Magistrate Ist Class, Safidon, whereby the petitioner was convicted under Section 279 IPC and sentenced to undergo simple imprisonment for three months and under Section 304-A IPC, rigorous imprisonment for six months and to pay fine of Rs.1000/- and in default of payment of fine, one month of simple imprisonment, the present revision petition has been preferred by the petitioner.

Learned counsel for the petitioner has confined his submission to the quantum of sentence only instead of challenging the judgment and order of sentence dated 23.08.2016/24.08.2016, passed by learned Judicial Magistrate Ist Class, Safidon and also submits that the amount of fine of Rs.1000/- stands deposited.

Notice of motion.

On the asking of the Court, Mr. Chetan Sharma, AAG, Haryana

accepts notice on behalf of the respondent-State and submits that though he has not produced the custody certificate of the petitioner today in Court, but could not dispute the fact that out of total sentence of six months as awarded by the Court below, the petitioner has already undergone two months imprisonment and, therefore, has no objection, if the present petition is disposed of, as having the sentence already undergone.

In view of the above, the present petition stands disposed of, by allowing the same partly by modifying the order of sentence to the extent that while maintaining the conviction, the sentence of the petitioner is reduced to the extent already undergone. He be released forthwith, if not required in any other case.

(SANDEEP MOUDGIL)
JUDGE

21.12.2022

Poonam Negi

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*