

(338)

2023:PHHC:072731

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

CRR No.1988 of 2011

Date of Decision: May 18, 2023

**Ramesh Chand
Versus
State of Punjab**

**...Petitioner
...Respondent**

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. P.S. Dhaliwal, Advocate for the petitioner.
Mr. P.S. Pandher, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

Although petitioner was acquitted by learned Chief Judicial Magistrate vide judgment dated 08.02.2011 under Section 7 of Essential Commodities Act, in challan case No.460 of 20.04.2004 in a case arising out of FIR No.284 dated 28.07.2003 registered at Police Station Kotwali Barnala but on the appeal filed by the State, the acquittal has been set aside and the petitioner was convicted on 06.08.2011 under Section 7 of the Essential Commodities Act and vide separate order of the even date, he was sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of ₹1,000/-.

Afore-said conviction as recorded by the First Appellate Court, has been challenged by the petitioner by way of this petition.

Although the petition was filed assailing the conviction as well as the sentence but today before this Court, learned counsel for the petitioner submits that he does not challenge the conviction and withdraws his appeal against the conviction. His short submission is that the petitioner has already undergone actual custody for substantial period and, therefore, he be sentenced for the period already undergone by him.

In view of the afore-said statement, the present revision against the conviction recorded by the learned Appellate Court is hereby dismissed as withdrawn.

The custody certificate placed on record by learned State Counsel reveals that petitioner has already undergone sentence for actual period of four months. After including 15 days' remission earned by him, his total custody period undergone by him is 04 months and 15 days out of the total period of 06 months. The offence in question was committed way back on 11.07.2003 i.e. approximately 20 years back. Sentence of the petitioner was suspended on 17.11.2011 i.e. more than 11 years back.

Having regard to the afore-said factual position and the fact that out of 06 months, petitioner has already undergone custody period of 04 months and 15 days, it will be in the interest of justice to modify the order of sentence and sentence him to imprisonment for the period already undergone by him.

Ordered accordingly.

Disposed of.

May 18, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No