

**2023:PHHC:088442**

CRR No.2087 of 2015  
Date of Decision: July 14, 2023

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

Mr. P.S. Pandher, AAG, Punjab.

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

Custody certificate has been placed on record.

In a case arising out of FIR No.12 dated 16.02.2009 registered at Police Station Jaitu, petitioner – Naresh Kumar and his mother Jiwan Lata were convicted under Section 498-A IPC vide judgment dated 17.02.2014 passed by learned Chief Judicial Magistrate, Faridkot. Both of them were sentenced to undergo rigorous imprisonment for a period of two years each and to pay a fine of ₹2,000/- each with default sentence. In the appeal filed by both the convicts, learned Additional Sessions Judge, Faridkot vide her judgment dated 04.05.2015 acquitted Jiwan Lata. However, appeal qua petitioner Naresh Kumar was dismissed. Immediately on the dismissal of his appeal, petitioner was taken into custody.

In the revision filed against the afore-said judgment of conviction and order of sentence, the sentence of imprisonment was

suspended by this Court vide order dated 05.01.2016.

I have carefully gone through the judgments passed by both the Courts below and do not find any reason to interfere in the finding of conviction which is based on proper appreciation of evidence on record. As such, impugned judgment qua conviction of the petitioner is hereby maintained. However, as far as order of sentence is concerned, custody certificate reveal that petitioner has already undergone actual sentence of 08 months and 18 days and after including the period of earned remission, his total custody period is 09 months and 23 days.

Having regard to the nature of offence and the circumstances of the case, this Court considers that the period already undergone by the petitioner in custody is sufficient to meet the ends of justice. As such, impugned order of sentence is hereby modified. Petitioner is sentenced to the imprisonment for the period already undergone by him.

Disposed of.

**July 14, 2023**

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**(DEEPAK GUPTA)**  
**JUDGE**

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| Whether reasoned/speaking: | Yes/No |
| Whether reportable:        | Yes/No |