



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

346

CRA-S-343-SB-2006

Date of Decision:-16.05.2025

PIARA SINGH AND ANOTHER

.....APPELLANTS

Vs.

STATE OF PUNJAB

....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr.S.S. Bhullar, Advocate, for the appellants.

Ms.Pratibha Bali, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

Appellants were tried by Ld. Additional Sessions Judge, Amritsar in a case arising out of FIR No.156 dated 21.08.2001 under Section 304/34 IPC registered at Police Station Lopoke. The appellants were convicted under Section 323 IPC vide judgment dated 24.01.2006 by the Court of Ld. Additional Sessions Judge, Amritsar and both of them were sentenced to undergo rigorous imprisonment for a period of six months and to pay fine of ₹500/- with default sentence of 10 days rigorous imprisonment in case of non-payment of fine.

2. Today learned counsel for the appellants stated at the outset that appellants do not press the appeal against the judgment of conviction; and that appellants confine their prayer only against order of sentence. It is submitted that appellants would be satisfied, in case they are sentenced to imprisonment for the period already undergone by them.

3. Learned counsel points out that offence pertains to the year 2001; that appellant No.1 was of 65 years and appellant No.2 was 30 years at that time; that appellant No.1 has already undergone total sentence of 04 months and 20 days and appellant No.2 has already undergone total sentence of 2 months and 25 days, and appellants are not involved in any other case and so, they deserve to be sentenced for the period already

undergone by them.

4. Learned State counsel has not seriously objected to the aforesaid prayer.

5. The custody certificate placed on record by the respondent-State would reveal that appellant No.1 has already undergone actual custody sentence of 04 months and 20 days and appellant No.2 has already undergone actual custody sentence of 02 months and 25days. It is revealed further that they have no criminal antecedents. Appellant No.1 was 65 years of age and appellant No.2 was 30 years of age at the time of offence, which had taken place way back in 2001 i.e. 24years back.

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 appellants, instead of sending them 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 appellants are sentenced to imprisonment for the period already undergone by them. As far as fine is concerned, it will remain same.

8. 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 appellants will have to carry out the complete sentence, as imposed by the Court of learned Additional Sessions Judge, Amritsar.

Disposed of.

(DEEPAK GUPTA)
JUDGE

16.05.2025
Vivek

Whether Speaking/reasoned Yes
Whether Reportable No