



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

201

**CRR-1596-2007 (O&M)
Date of Decision:-06.05.2025**

Modan Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. R.V.S. Chugh, Advocate, for the petitioner.

Mrs. Pratibha Bali, Assistant Advocate General, Punjab.

DEEPAK GUPTA, J. (ORAL)

Petitioner was tried by the Court of Ld. Sub-Divisional Judicial Magistrate, Sardulgarh in a case arising out of FIR No.129 dated 19.10.2000 under Sections 326, 324 and 323 of IPC registered at Police Station Sardulgarh. After trial, the petitioner was convicted under Section 326 IPC vide judgment dated 08.06.2006 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹500/- with default sentence of three months simple imprisonment in case of non-payment of fine and he was also convicted under Section 323 IPC in which he was sentenced to undergo rigorous imprisonment for a period of three months and to pay fine of Rs.200/- with default sentence of 15 days simple imprisonment in case of non-payment of fine. On appeal, the judgment of conviction and order of sentence were upheld by the Court of learned Additional Sessions Judge, Mansa vide judgment and decree dated 03.07.2007.

2. Against the abovesaid conviction and sentence, this revision was filed.

3. Today learned counsel for the petitioner stated at the outset that petitioner does not press the petition against the judgment of conviction; and that petitioner confines his prayer only against order of sentence. It is submitted that petitioner would be satisfied, in case he is sentenced to imprisonment for the period already undergone by him.

4. Learned counsel points out that offence pertains to the year 2000; that petitioner was of 58 years at that time; that petitioner has already undergone actual sentence of 05 months and so, he deserves to be sentenced for the period already undergone by him.

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

6. The custody certificate placed on record by the respondent-State would reveal that petitioner has already undergone actual custody sentence of 05 months. He was 58 years of age at the time of offence, which had taken place way back in 2000 i.e. 25 years back.

7. 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 petitioner, instead of sending him behind bars in the company of hardened criminals.

8. Consequently, the present petition is partly accepted. By maintaining the impugned judgment against conviction, the order of sentence as passed by the trial Court is modified and the petitioner is sentenced to imprisonment for the period already undergone by him. As far

as fine is concerned, it will remain same.

9. 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 petitioner will have to carry out the complete sentence as imposed by the trial Court.

Disposed of.

(DEEPAK GUPTA)
JUDGE

06.05.2025

Prince Chawla

Whether Speaking/reasoned	Yes
Whether Reportable	No