

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRR-824-2011****Date of Decision: 09.07.2025****BRAHAMJEET AND OTHERS**

. . . .PETITIONERS

Vs.

STATE OF HARYANA

. . . . RESPONDENT

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr.Gagandeep Sanwal, Advocate, for the petitioners.

Mr.Ravi Pratap Singh, DAG, Haryana.

DEEPAK GUPTA, J. (ORAL)

Mr.Gagandeep Sanwal, Advocate has filed his power of attorney on behalf of the petitioners today in Court and the same is taken on record.

2. Petitioners were tried by the Additional Chief Judicial Magistrate, Sonipat in a case arising out of FIR No.138 dated 17.03.1997 under Sections 428, 429, 323 & 506 IPC registered at Police Station Sadar Sonipat. After trial, the petitioners were convicted vide judgment dated 01.02.2007 by the trial Court for offence under Section 429 IPC and was sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹3000/- each with default sentence of two months simple imprisonment in case of non-payment of fine and for offence under Section 323 IPC, they were sentenced to undergo rigorous imprisonment for a period of six months and to pay fine of ₹500/- each with default sentence of one month simple imprisonment in case of non-payment of fine. However, the appeal filed by the petitioners was dismissed by the learned Additional Sessions Judge (Adhoc), FTC, Sonipat vide order dated 26.03.2011.

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

4. Today learned counsel for the petitioners stated at the outset that petitioners do not press the revision against the judgment of conviction;

and that petitioners confine their prayer only against order of sentence. It is submitted that the petitioners would be satisfied, in case they are sentenced to imprisonment for the period already undergone by them.

5. Learned counsel points out that offence pertains to the year 1997; that petitioners have already undergone total sentence of 01 month 12 days, they deserve to be sentenced for the period already undergone by them.

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

7. The custody certificate placed on record by the respondent-State would reveal that petitioners have already undergone total sentence of 01 month and 12 days. It is revealed further that they have no criminal antecedents. The offence had taken place way back in 1997 i.e. 28 years back.

8. 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 petitioners, instead of sending them behind bars in the company of hardened criminals.

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

Disposed of.

09.07.2025
Vivek

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned?	Yes
Whether reportable?	No