

**320 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRA-S-841-SB-2005****Date of Decision: April 04, 2025****Surjit Kaur****... Appellant****Versus**

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**Present:-** Mr. Tanvir Singh Grewal, Advocate for the appellant.

Mr. R.K.S. Brar, Addl. A.G., Haryana.

DEEPAK GUPTA, J.(Oral)

Fresh power of attorney has been filed on behalf of the appellant.

Appellant – Surjit Kaur along with co-accused was tried by learned Addl. Sessions Judge, Jagadhri, in a case arising out of FIR No.162 dated 27.09.2001, under Sections 232, 324, 326 and 307 IPC, registered at Police Station Radaur. After trial, the appellant was convicted under Section 307 IPC vide judgment dated 03.05.2005 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of 05 years and to pay fine of ₹10,000/- with default sentence of 01 year rigorous imprisonment in case of non-payment of fine.

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

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

4. Learned counsel points out that offence pertains to the year 2001; that appellant was almost 51 years at that time; that appellant has already undergone actual sentence of 01 month and 16 days and is not involved in any other case and so, she deserves to be sentenced for the period already undergone by her.

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 appellant has already undergone actual custody sentence of 01 month and 16 days. It is revealed further that she has no criminal antecedents. Nothing has not been brought on record to suggest that after this conviction, appellant has been involved in any other case. She was 51 years of age at the time of offence, which had taken place way back in 2001 i.e. 24 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 appellant, instead of sending her behind bars in the company of hardened criminals.
8. 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 appellant is sentenced to imprisonment for the period already undergone by her. As far as the fine is concerned, it will remain same.

Disposed of.

April 04, 2025
sarita

(DEEPAK GUPTA)
JUDGE

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