

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

**Neutral Citation No. 2023:PHHC:061367
CRR-2143-2007
Date of Decision: April 29, 2023**

Manga Ram and others ... Petitioners

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- None for the petitioners.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J.(Oral)

Despite intimation to the counsel for the petitioners, nobody has appeared on their behalf.

I have considered the paper book. It is revealed that the four petitioners were convicted under Sections 323 and 324 of IPC read with Section 34 IPC, vide judgment dated 21.11.2006 passed by learned Judicial Magistrate 1st Class, Karnal, arising out of FIR No.1162, dated 31.07.1997, registered at Police Station Sadar Karnal. Vide a separate order dated 22.11.2006, they were sentenced to undergo rigorous imprisonment for a period of six months for committing offence under Section 323/34 IPC; and that they were further sentenced to undergo rigorous imprisonment for a period of 1 year and to pay a fine of ₹250/- each for committing offence under Section 324/34 IPC, with default sentence. Both the sentences were directed to run concurrently. The appeal filed by the four petitioners was dismissed by learned Addl. Sessions Judge, Karnal, vide order dated 06.11.2007.

Custody certificates as available on record reveal that all the four petitioners have already undergone actual sentence of 3 months and 1 day each. It is also revealed that at the time of conviction in 2007, one

of the petitioner, Manga Ram was 65 years of age, which means that by now, he must be 80 years of age.

Occurrence had taken place in July 1997 i.e. more than 25 years back. Only simple injuries were caused to the injured.

Having regard to the long period, which has elapsed in the meantime, it will not be in the interest of justice to send the petitioners behind bars after such long time. It is considered that period of custody already undergone by both the petitioners is sufficient to meet the ends of justice. Therefore, the impugned judgments and orders are hereby modified qua sentence. It is ordered that both the petitioners are sentenced for the period already undergone by them.

With the aforesaid modification, the present petition is disposed of.

April 29, 2023
sarita

**(DEEPAK GUPTA)
JUDGE**

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