

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

464/2

CRA-S-2775-SB of 2009

DATE OF DECISION: July 10, 2015.

Sushma Bansal

....Appellant.

VERSUS

U.T. Chandigarh

....Respondent.

CORAM : HON'BLE MR. JUSTICE M. JEYAPPAUL

Present: Ms. Aditi Girdhar, Advocate
for the appellant.

Mr. J.S. Toor, APP, U.T. Chandigarh.

M. Jeyappa, J. (Oral)

Accused Sushma Bansal had challenged the judgment of conviction and sentence passed by the trial Court on 29.08.2009 under Sections 328 and 382 of the Indian Penal Code.

The appellant was in fact convicted under Section 328 of the I.P.C. and sentenced to undergo 5 years rigorous imprisonment and to pay a fine of Rs.2,000/- and in default of payment of fine to undergo a further period of one year rigorous imprisonment. She was also convicted for the offence under Section 382 I.P.C. and was sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.2,000/- and in default of payment of fine to undergo a further period of one year rigorous imprisonment.

The learned Public Prosecutor for the U.T. Chandigarh, would submit, producing the custody certificate, that the appellant has already undergone the sentence in this case.

As regards, the fine imposed on the appellant, the counsel appearing for the appellant would bring to the notice of this Court that the appellant is a poor lady who is incapable of paying such a huge amount of fine imposed by the trial Court. Learned counsel for the appellant would submit that in as much as the appellant has already undergone the entire sentence, the fine amount may be substantially reduced and the appeal may be dismissed as infructuous.

In view of the above submissions made by the counsel for the appellant, the fine amount imposed on the appellant for the offence under Section 382 I.P.C. is reduced to Rs.500/- and in default of the payment of the said fine, the appellant is directed to undergo one month rigorous imprisonment. The fine imposed for the offence under Section 382 I.P.C. is also reduced to Rs.500/- and in default of payment of the said fine she is directed to undergo a further period of one month rigorous imprisonment.

In the light of above fact that the appellant has already undergone the entire sentence, the appeal is dismissed as infructuous with the above modification in respect of the fine and default sentence imposed by the trial Court.

The appellant shall be released from jail after the fine is paid or the default sentence is undergone, in case her custody is not required in connection with any other case.

(M. JEYAPPAUL)
JUDGE

10.07.2015

Komal