

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

464

CRA-S-2218-SB of 2010(O&M)

DATE OF DECISION: July 10, 2015.

Sushma Bansal

....Appellant.

VERSUS

State of Punjab

....Respondent.

CORAM : HON'BLE MR. JUSTICE M. JEYAPPAUL

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

Ms. Ritu Punj, Addl. A.G., Punjab.

M. Jeyapaul, J. (Oral)

This is an appeal preferred by the appellant against the judgment dated 17.07.2010 passed by the trial Court wherein she was convicted under Section 328 I.P.C. and was sentenced to undergo 6 years rigorous imprisonment and to pay a fine of Rs.1,000/- and in default to undergo a further period of six months and was convicted under Section 379 I.P.C. and was sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.500/- and in default to undergo further period of three months rigorous imprisonment.

The custody certificate produced by the learned Public Prosecutor for the U.T. Chandigarh in the connected case would reflect that the appellant has already undergone the entire period of 6 years rigorous

imprisonment.

Learned counsel appearing for the appellant would submit that the fine amount may be substantially reduced as the appellant is incapable of paying such a huge amount of fine. It is further submitted that in as much as the appellant has already undergone the entire sentence, the appeal may be dismissed as infructuous.

Considering the financial incapacity pleaded by the counsel for the appellant, the fine amount of Rs.1,000/- imposed for the offence under Section 328 I.P.C. by the trial Court is reduced to Rs.500/- and the appellant is directed to undergo a further period of one month rigorous imprisonment in default of payment of such fine. The fine amount imposed for the offence under Section 379 I.P.C. is maintained but the rigorous imprisonment imposed there under for the default of payment of fine of Rs.500/- is reduced to one month rigorous imprisonment.

In the light of the above, the appeal stands dismissed as infructuous with the above modification in respect of fine and default sentence imposed for the offence under Section 328 and 379 of I.P.C.

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