

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-30562 of 2015

.....

Date of decision:9.9.2015

Anil Kumar

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Arnav Sood, Advocate for the petitioner.

.....

**Inderjit Singh, J.**

This petition has been filed under Section 482 Cr.P.C. praying for quashing/setting aside the re-arrest warrant dated 20.8.2014 (Annexure-P.4) issued by learned Chief Judicial Magistrate, Hoshiarpur and permitting/allowing the petitioner to deposit the fine with the learned trial Court as imposed by this Hon'ble Court vide judgment dated 19.2.2010 (Annexure-P.3).

I have heard learned counsel for the petitioner and have gone through the record.

As per the order passed by this Court on 19.2.2010 in Criminal Revision No.271 of 2004 it was ordered as under:-

“I have considered the submissions raised by the learned counsel for the petitioners. It is no doubt true that since the date of registration of the case, the petitioners have been facing mental stress and agony for the last more than 11 years and in

such like circumstances, I am of the view that ends of justice would be amply met if a lenient view in the matter of sentence is taken against the petitioners. Accordingly, taking a lenient view against the petitioners, I direct that conviction recorded against the petitioners shall be maintained, but the period of sentence of six months already awarded to them by the Courts below is reduced to the period, which they have already undergone. They are further directed to deposit a fine of Rs.30,000/- with the trial Court within a period of 45 days from the date of receipt of certified copy of this order, failing which the order passed by the trial Court shall become operative.

With this modification in the matter of sentence, the petition filed by the petitioners is dismissed.”

I have gone through the above order. The order of sentence was modified subject to the condition that the petitioner will deposit ₹30,000/- with the trial Court within a period of 45 days from the date of receipt of certified copy of the order failing which the order passed by the trial Court shall become operative. This order was passed on 19.2.2010 and this petition has been filed on 7.9.2015 i.e. after more than 5½ years. No cogent reason has been given as to why the amount of fine was not deposited. As the order was conditional and it has been disobeyed by the present petitioner, therefore, the order of sentence passed by the trial Court has become operative. If the re-arrest warrants have been issued by the learned Chief Judicial Magistrate in view of the order passed by this Court, no

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illegality has been committed. Admittedly, the petitioner has not deposited the amount of fine within the prescribed period. The mere ground that the Clerk of the Advocate has not deposited the fine etc. is no ground to quash the order of re-arrest passed by the learned Chief Judicial Magistrate.

Therefore, finding no merit in this petition, the same is dismissed.

September 9, 2015.

**(Inderjit Singh)**  
**Judge**

\*hsp\*