IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.3379 of 2015 (O&M)
Date of Decision: November 26, 2015

Beerbal Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Vivek Goyal, Advocate
for the petitioner.

Ms.Shivali, Asstt. Advocate General, Punjab
for the respondent-State.

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INDERJIT SINGH, J.

The present revision has been filed by the petitioner Beerbal Singh against State of Punjab under Section 401 Cr.P.C., challenging the impugned judgment of conviction and order of sentence dated 07.04.2014 passed by learned Sub Divisional Judicial Magistrate, Nihal Singh Wala, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of two years under Section 25 of the Arms Act and also challenging the judgment dated 07.04.2015 passed by learned Addl. Sessions Judge, Moga, vide which appeal filed by petitioner was dismissed.

At the time of preliminary hearing, learned counsel for the petitioner did not dispute the concurrent findings given by the Courts

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below regarding conviction and only contended on the point of reduction of sentence.

Notice of motion was issued only on the quantum of sentence and learned State counsel appeared and contested the petition.

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

As per the prosecution version, a country made pistol of . 12 bore has been recovered from the accused-petitioner on 08.02.2009 by the police party headed by ASI Bhag Mal.

At the time of arguments, learned counsel for the petitioner argued that petitioner is first offender and poor person and only bread earner of the family.

Keeping in view the fact that petitioner is first offender and only bread earner of the family and in view of the fact that he is suffering from long protracted criminal trial for the last about seven years, the sentence of the petitioner is reduced to rigorous imprisonment for a period of one year under Section 25 of the Arms Act. Petitioner Beerbal Singh, who is in custody, be released after completion of sentence, if his custody is not required in connection with any other case, subject to payment of fine, if any.

With the above-said modification in the sentence, the present revision petition stands partly allowed accordingly.

November 26, 2015 **(INDERJIT SINGH)**
Vgulati **JUDGE**

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