

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

Crl. Appeal S-416-SB of 2004
Date of Decision : January 21, 2016

Rajiv Kumar

.....Appellant

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN

Present : Mr. Parveen K. Kataria, Advocate
for the appellant.

Mr. Vikram Bishnoi, Asstt. Advocate General, Punjab.

T.P.S. MANN, J. (Oral)

The appellant was tried for committing offence punishable under Section 25 of the Arms Act. Vide judgment and order dated 24.12.2003, learned Additional Sessions Judge (Fast Track Court), Kapurthala, convicted him for the aforementioned offence and sentenced him to undergo rigorous imprisonment for three years and to pay a fine of Rs.1,000/- and in default of payment of fine, to further undergo rigorous imprisonment for one month. The sentence awarded in the case was ordered to run concurrently with the sentence imposed in the main case, i.e. FIR No. 1 dated 1.1.2003, Police Station Bholath.

Aggrieved of his conviction and sentence, the appellant filed the present appeal.

As per the custody certificate already brought on

record by the learned State counsel, the appellant after being convicted in FIR No. 1 dated 1.1.2003, Police Station Bholath, was sentenced to undergo imprisonment for five years for the offence under Section 402 IPC. The substantive sentence of imprisonment of three years awarded in the present case arising out of the FIR No. 5 dated 1.1.2003, Police Station Bholath under Section 25 of the Arms Act was ordered to run concurrently with the sentence awarded in the main case. Further, the appellant was released from the jail on 15.2.2006 on completing the sentence, i.e. five years and, also sentence in default of payment of fine, i.e. three months.

Learned counsel for the appellant submits that as the appellant has already undergone the entire sentence of imprisonment and also sentence in default of payment of fine, the present appeal has been rendered infructuous.

Disposed of, accordingly.

January 21, 2016
amit rana

(T.P.S. MANN)
JUDGE