

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

Criminal Appeal No. S-2088-SB of 2013

Date of Decision : June 2, 2016

Puran Singh

..... APPELLANT

VERSUS

State of Punjab

.....RESPONDENT

**CORAM : HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MRS. JUSTICE LISA GILL**

1. Whether Reporters of local newspapers may be allowed to see the judgment? YES/NO
2. To be referred to the Reporter or not? YES/NO
3. Whether the judgment should be reported in the digest? YES/NO

...

Present: Mr. H.S.Dhindsa, Advocate
for the appellant.

Mr. Gaurav Garg, Deputy Advocate General, Haryana
for the respondent.

...

LISA GILL, J.

The appellant Puran Singh has been convicted under Section 489-C of the Indian Penal Code vide judgment dated 03.05.2013 passed by the Sessions Judge, Ferozepur, and sentenced to undergo rigorous imprisonment for a period of 04 years and a fine of ₹50,000/- and in default thereof to undergo further rigorous imprisonment for 08 months.

Learned counsel for the appellant on instructions states that the appellant does not wish to challenge his conviction but prays that the

sentence imposed upon him be reduced to that of already undergone as out

of the sentence of 04 years imposed upon him he has undergone an actual sentence of 03 years 10 months and 02 days. He was released on bail in this case on 30.3.2015. Furthermore, he is a poor person with meager resources, therefore the fine imposed upon him may also be reduced.

The period of sentence undergone by the said appellant Puran Singh is confirmed by the learned counsel for the State and is further fortified by the affidavit dated 3.5.2016 of Jeewan Thakur, DSP, Central Jail, Ferozepur.

We have heard learned counsel for the parties.

There is no dispute regarding the period of custody undergone by the appellant. It is noticed that one of the co-accused in this case namely Kirpal Singh @ Pala who was also sentenced to undergo rigorous imprisonment for 03 years for the offence punishable under Section 66-D of Information Technology Act filed Criminal Appeal No. 3975-SB of 2015 which was partly allowed on 19.1.2016. Appellant Kirpal Singh had given up challenge to his conviction and substantive sentence. He had undergone the period of imprisonment of 04 years but was in custody as he was unable to pay the amount of fine. Criminal Appeal No. 3975-SB of 2015 was partly allowed while maintaining the conviction and the substantive sentence of imprisonment. The fine was reduced to ₹25,000/- from ₹50,000/- and the sentence of imprisonment in default of payment of fine was reduced to 04 months from 08 months.

In the facts and circumstances of the present case, we deem it appropriate to partly allow this appeal and while maintaining the conviction of the appellant the sentence imposed upon the appellant-Puran Singh is reduced to that of already undergone. The fine is reduced to ₹40,000/- from

₹50,000/- and sentence of imprisonment in default of payment of fine is reduced from 08 months to 06 months. The fine in question be paid within a period of one month from the date of receipt of certified copy of this order.

(MAHESH GROVER)
JUDGE

(LISA GILL)
JUDGE

June 2,2016

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