

CRA-S-2440-SB-2013 (O&M)

Date of decision: January 19, 2016

Kirpal Singh @ Pala

...Appellant

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA

HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Parvez Chugh, Advocate
for the appellant.

Mr. P.S. Bajwa, Addl. A.G., Punjab.

RAJIVE BHALLA, J.(ORAL)

The appellant, Kirpal Singh @ Pala, challenges order dated 2nd May, 2013, convicting him under Section 489-C of Indian Penal Code and order dated 3rd May, 2013, recorded by the Sessions Judge, Ferozepur sentencing him in the following terms:-

Under Section	To undergo rigorous imprisonment for a period of	Fine	In default of payment of fine RI
489-C of Indian Penal Code	Four years	Fifty thousand	Eight months

Counsel for the appellant states, on instructions from the appellant, that appellant does not wish to challenge his conviction as the appellant has already undergone the substantive sentence of four years but the fine as well as the sentence to be undergone in default of payment of fine may be reduced. Counsel for the appellant submits that the appellant has no money to pay the fine and his wife has meager resources barely sufficient to maintain their minor child.

Counsel for the State of Punjab acknowledges the correctness of the aforesaid submissions and in response has filed an affidavit of Surinder Singh, Superintendent, Central Jail, Ferozepur, acknowledging the fact that the appellant has undergone his substantive sentence.

We have heard counsel for the parties. The appellant has given up challenge to his conviction as he has undergone his substantive sentence of four years but has not been released as he is unable to pay fine. The appellant's prayer for reduction of fine and the period to be undergone for default in payment of fine appears to be bona fide. The appellant has no resources. The appellant's wife who has to arrange the fine has meager resources barely sufficient to maintain herself and their minor child. The appeal is partly allowed, the conviction and the substantive sentence of imprisonment is affirmed but the fine is reduced from Rs.50,000/- to Rs.25,000/-. The sentence of imprisonment in default of payment of fine is reduced from eight months to four months.

On payment of fine, the appellant shall be released, if not wanted in any other case.

(RAJIVE BHALLA)
JUDGE

(LISA GILL)
JUDGE

January 19, 2016
m. sharma