

CRA-S-3975-SB-2015 (O&M)

Date of decision: January 19, 2016

...Appellant

Vs.

..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 judgment and order dated 4th June, 2014, recorded by Dr. Rakesh Kumar, Special Judge, Ferozepur convicting him under Section 66-D of Information and Technology Act, 2000 and sentencing him in the following terms:-

Under Section	To undergo rigorous imprisonment for a period of	Fine	In default of payment of fine RI
66-D of Information Technology Act, 2000	Three years	Thirty thousand	Nine 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 three years but states that the appellant is a poor man who has no resources. His wife who

has to arrange the fine has meager resources barely sufficient to maintain their minor child. The fine as well as the sentence in default of payment of fine may be reduced.

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, accepting the fact that appellant has undergone his substantive sentence.

We have heard counsel for the parties. The appellant has already undergone his substantive sentence of three years but has not been released as is unable to pay the fine. The appellant has given up challenge to his substantive sentence but his prayer that he does not have any resources and his wife who has to arrange the money has meager resources, appears to be correct. The appeal is partly allowed and while maintaining the conviction and the substantive sentence of imprisonment, the fine is reduced from Rs.30,000/- to Rs.15,000/- and the sentence of imprisonment in default of payment of fine from nine months to four months.

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

(RAJIVE BHALLA)
JUDGE

(LISA GILL)
JUDGE

January 19, 2016
m. sharma