

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

Crl. Appeal S-617-SB of 2004
Date of Decision : February 23, 2017

Mehsha

.....Appellant

VERSUS

State of Punjab

.....Respondent

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

Present : Ms. Kiran Bala Jain, Advocate
for the appellant.

Dr. Deipa Singh, Addl. A.G., Punjab.

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

Vide judgment and order dated 21.2.2004, learned Additional Sessions Judge, Fast Track Court, Kapurthala convicted the appellant under Section 25 of the Arms Act and sentenced him to undergo rigorous imprisonment for three years and to pay a fine of Rs. 500/- and in default of payment of fine, to undergo further rigorous imprisonment for two months. The period of detention during the enquiry, investigation and trial was ordered to be set off against the sentence awarded to him.

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

According to the prosecution, the appellant was found

in possession of one country made pistol and two live cartridges which were recovered by ASI Davinder Singh on 21.5.2001. As the appellant could not produce any licence for keeping the same, he was booked for committing the offence punishable under Section 25 of the Arms Act vide FIR No. 48 dated 21.5.2001 registered at Police Station Dhilwan, District Kapurthala.

Learned counsel for the appellant has not challenged the impugned judgment of conviction. However, she has submitted that the appellant is facing the agony of criminal prosecution for the last about sixteen years. He is on bail since the year 2004. In the interregnum, he has not misused the concession of bail in any manner. He was 22 years of age at the time of his trial. Further, he has already undergone a period of about ten days. Therefore, his remaining substantive sentence of imprisonment be set-aside.

Learned State counsel has opposed the prayer by submitting that as the appellant was found in possession of a country made pistol and two live cartridges, he does not deserve any leniency in the matter of sentence of his imprisonment.

As per the custody certificate already brought on record by the learned State counsel, the appellant has undergone an actual sentence of eight days in the present case. Besides, he had undergone a period of two months and thirteen days in the main case, i.e. FIR No. 45 dated 21.5.2001 in which he already

stands acquitted.

Taking into consideration the totality of the circumstances, this Court is of the view that no useful purpose will be served by sending the appellant behind the bars, once again, for undergoing his remaining sentence of imprisonment. Ends of justice shall be suitably met, if his substantive sentence of imprisonment is reduced to the one already undergone by him.

Resultantly, the conviction of the appellant under Section 25 of the Arms Act is upheld. His substantive sentence of imprisonment is reduced to the one already undergone by him. The fine of Rs. 500/- is, however, enhanced to Rs. 2,000/-. He shall deposit the amount of fine in the Court of learned Chief Judicial Magistrate, Kapurthala within three months from today, failing which he shall be required to undergo rigorous imprisonment for three months.

The appeal is, accordingly, disposed of.

February 23, 2017
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(T.P.S. MANN)
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No