

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

Crl. Appeal S-566-SB of 2005
Date of Decision : August 01, 2017

Randhir

.....Appellant

VERSUS

State of Haryana

.....Respondent

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

Present : Mr. S.P. Chahar, Advocate
for the appellant.

Mr. Pramjeet Singh, Asstt. A.G., Haryana.

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

The appellant, alongwith Kuldeep @ Sowami, Sukhbir and Taqdir, was tried for committing offences under Sections 399 and 401 IPC. He, alongwith Kuldeep @ Sowami, was also tried for committing offence punishable under Section 25(1-B) of the Arms Act. Vide judgment and order dated 23/26.2.2005, learned Additional Sessions Judge-1, Rohtak acquitted the appellant and his co-accused of the charges under Sections 399 and 401 IPC. However, the appellant and Kuldeep @ Sowami were convicted

under Section 25(1-B) of the Arms Act and sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs. 500/- and in default of payment of fine, to undergo rigorous imprisonment for a period of three months. The fine imposed was deposited by him there and then.

Learned counsel for the appellant has not challenged the impugned judgment to the extent of convicting him under Section 25(1-B) of the Arms Act. However, it is submitted that he is facing the agony of criminal prosecution for the last more than thirteen years. He is not a previous convict and required to look after his old parents, wife and two children. He is the sole bread winner of his family. Out of the sentence of one year imposed upon him, he has already undergone a period of about eight months. Prayer has, accordingly, been made for taking a lenient view in the matter of his sentence of imprisonment.

Learned State counsel has opposed the prayer by submitting that at the time of apprehension, the appellant was found in possession of one loaded countrymade pistol of .315 bore without any permit or license to keep the same. Learned State counsel has, however, produced the custody certificate, as per which the appellant has already undergone a total sentence of seven months and fifteen days. Though, he is shown to be involved in one more case under Section 379 IPC but there is no material on the record to show that he stood convicted in the said

case or in any other case.

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 for undergoing the remaining sentence of his 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(1-B) of the Arms Act is upheld. His substantive sentence of imprisonment is reduced to the one already undergone by him. The sentence of fine alongwith its default clause is maintained.

The appeal is, accordingly, disposed of.

August 01, 2017
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(T.P.S. MANN)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No