

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

**Criminal Appeal S-579-SB of 2005
Date of Decision: November 28, 2017**

Satbir		Appellant
	Versus	
State of Haryana		 Respondent

Criminal Appeal S-379-SB of 2005

Ramesh		Appellant
	Versus	
State of Haryana		 Respondent

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

Present : Mr. Sukhdeep Parmar, Advocate
for the appellants.

Mr. Praveen Bhadu, Asstt. A.G., Haryana.

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

Satbir and Ramesh, appellants before this Court were tried for committing the offences punishable under Sections 398 and 401 IPC and Section 25 of the Arms Act. Vide judgment and order dated 21.1.2005, learned Additional Sessions Judge,

Sonipat, acquitted them of the charges under Section 398 and 401 IPC. They were, however, convicted under Section 25 of the Arms Act and sentenced to undergo rigorous imprisonment for one year with fine of Rs.500/- each and in default of payment of fine, to further undergo rigorous imprisonment for one month each. The period during the course of investigation and trial of the case, already undergone by them was ordered to be set off against the period of sentence awarded to them.

According to the prosecution on 24.9.2003, ASI Rajiv Kumar alongwith other police officials was on patrolling duty near Kami turning where he received a secret information that the appellants were armed with knives and near the garden on Kami Rajpur road, robbing the passers by and in case a raid was conducted, they could be apprehended. ASI Rajiv Kumar prepared two raiding parties. ASI Kanwal Singh and HC Suresh Chand were deputed as bogus punters in civil dress. Under his instructions, they reached near the aforesaid garden. The appellants stopped the bogus punters at knife point and asked them to hand over whatever they were carrying. ASI Rajiv Kumar apprehended the appellants and on interrogation, they disclosed their identity. Both of them were found in possession of a knife each, which they were carrying in their hands. They failed to show any permit or licence for keeping knives in their possession.

Learned counsel for the appellants has not challenged the impugned judgment of conviction passed by the learned trial Court. However, he has submitted that Satbir appellant has undergone a total sentence of six months whereas Ramesh appellant has undergone one and half months out of the sentence of one year imposed upon them. They are facing the agony of criminal prosecution for the last more than fourteen years. When they were heard by the learned trial Court on the quantum of sentence, they had pleaded that they were poor persons and sole bread winners of their respective families, which consisted of their old and aged parents as well, who were dependent upon them. No overt act like infliction of any injury was attributed to the appellants. Therefore, a lenient view be taken in the matter of their sentences of imprisonment.

Learned State counsel has vehemently opposed the prayer by submitting that at the time of their apprehension, the appellants were found carrying knives for which they neither carried any permit nor a licence. Learned State counsel has, however, produced the custody certificates as per which Satbir appellant has undergone a total sentence of six months and six days whereas Ramesh appellant has undergone one month and seven days.

Taking into consideration the totality of the

circumstances, this Court is of the view that the appellants, who are on bail for the last more than twelve years need not be sent behind the bars, once again, for undergoing their remaining sentences of imprisonment. Ends of justice shall be suitably met, if their substantive sentences of imprisonment are reduced to the one already undergone by them.

Resultantly, the conviction of the appellants under Section 25 of the Arms Act is upheld. Their substantive sentences of imprisonment are reduced to the one already undergone by them. The fine of Rs.500/- imposed upon them is, however, enhanced to Rs.2,000/- each. The fine amount be deposited by them in the Court of Chief Judicial Magistrate, Sonipat, within a period of three months from today failing which they shall undergo rigorous imprisonment for two months each.

Criminal Appeal S-579-SB of 2005 filed by Satbir appellant and Criminal Appeal S-379-SB of 2005 filed by Ramesh appellant are, accordingly, disposed of.

November 28, 2017
amit rana

(T.P.S. MANN)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No