

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

CRA-S-1331-SB-2017

Date of Decision : 25.05.2017

ROSHAN LAL @ ROSHA

....APPELLANT

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM : HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Harish Nain, Advocate for the appellant.

Mr. K.S.Pannu, DAG, Punjab.

AMOL RATTAN SINGH, JUDGE (ORAL)

Learned counsel for the appellant submits that the appellant does not press the appeal as regards the appellants' conviction for the commission of an offence punishable under Section 25 of the Arms Act, which is the only offence that he has been convicted and punished for.

He further submits that the appellant is about 63 years old, being shown to be 59 years old at the time of institution of the trial on 26.02.2013. He also submits that there is no other criminal case ever registered against the appellant, even as per the custody certificate submitted in Court today by the learned State counsel.

A perusal of the custody certificate shows that out of the one year sentence imposed on the appellant after his conviction aforesaid, he has put in 06 months and 12 days of actual imprisonment.

Considering the fact that the appellant is seen to be a first time offender, about 63 years of age with the appeal not being pressed on merits

as regards the appellants' conviction, it is considered appropriate to direct that the appellant be released from custody for the remaining part of the sentence of one year imposed upon him, upon probation of good conduct, in terms of the Probation of Offenders Act, 1958, upon his furnishing necessary bonds in terms of the said Act.

Learned counsel for the appellant further submits that the appellant cannot afford to pay the fine of Rs. 10,000/- imposed upon him by the trial Court in addition to the sentence of rigorous imprisonment for one year.

Consequently, the quantum of fine is reduced to Rs. 5000/- and therefore, the appellant shall be released as aforesaid, on probation of good conduct, upon his paying the fine of Rs. 5000/-, in default of which he shall be released after a period of one month.

The appeal is, accordingly, disposed of.

(AMOL RATTAN SINGH)
JUDGE

May 25, 2017

dk kamra/rajneesh

Whether speaking/reasoned:	Yes
Whether reportable:	No