

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

**Criminal Appeal S-1733-SB of 2005
Date of Decision: January 25, 2018**

Harmel Singh @ Mali		Appellant
	Versus	
State of Punjab		 Respondent

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

Present : Mr. R.K. Girdhar, Advocate
for the appellant.

Mr. Gaurav Garg Dhuriwala, Sr. Deputy A.G., Punjab.

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

The appellant was tried for committing offence punishable under Section 25 of the Arms Act with the allegations that on 25.7.2002, when he was apprehended by the police, one .12 bore countrymade pistol and three live cartridges of the same bore were recovered from his possession. Vide judgment and order dated 14/15.9.2005, learned Additional Sessions Judge, Moga, convicted him for the aforementioned offence and sentenced him to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.1,000/- and in default of payment of fine, to further undergo rigorous imprisonment for a

period of one month. The fine amount was deposited by him there and then.

Aggrieved of his conviction and sentence, the appellant filed the present appeal, which was admitted on 4.10.2005.

Learned counsel for the appellant has not challenged the impugned judgment of conviction passed by the learned trial Court. However, he has submitted that the appellant is facing the agony of criminal prosecution for the last more than fifteen years. He is the sole bread winner of his family consisting of wife, three children and old parents. He has already undergone a sentence of about nine months out of the sentence of three years imposed upon him. 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 made on behalf of the appellant by submitting that he had managed to obtain countrymade pistol and cartridges without obtaining any permit or licence for the same. He has, however, produced the custody certificate, as per which, the appellant has already undergone an actual period of eight months and twenty seven days.

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.1,000/- is, however, enhanced to Rs.5,000/-. The enhanced amount of fine be deposited by him in the Court of Chief Judicial Magistrate, Moga, within a period of three months from today, failing which, he shall be required to undergo rigorous imprisonment for three months.

The appeal is, accordingly, disposed of.

January 25, 2018

amit rana

**(T.P.S. MANN)
JUDGE**

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No