

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

CRA-S-2484-SB-2006

Date of decision : 14.12.2018

Kuldeep

..... Appellant

versus

State of Haryana

..... Respondent

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

Present: Mr.Jitender Dhanda, Advocate for the appellant.

Mr.Vikrant Pamboo, Deputy AG, Haryana.

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

The appellant, namely, Kuldeep son of Inder Singh was tried for committing the offences punishable under Section 307 IPC and Section 25 of the Arms Act. Vide impugned judgment and order dated 1/2.12.2006, learned Additional Sessions Judge, Hisar acquitted him of the charge under Section 307 IPC. However, he was convicted under Section 25 of the Arms Act and sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs. 5,000/- and in default thereof, to further undergo simple imprisonment for five months.

Learned counsel for the appellant submits that he does not intend to challenge the impugned judgment of conviction passed by the learned trial Court. However, he states that the appellant is facing the agony of the criminal prosecution for the last more than 12 years. He is a poor person and his aged parents are dependent upon him. Out of the sentence of two years imposed upon him, he has already undergone a period of about 10 months. He is on bail pursuant to the order dated 19.01.2007. Prayer has

accordingly been made for taking a lenient view in the matter of sentence of imprisonment.

Learned State counsel has opposed the prayer made on behalf of the appellant by stating that the punishment awarded to him is commensurate with the crime which he had committed and, therefore, he does not deserve any leniency in the matter of sentence of imprisonment. He has, however, produced the custody certificate as per which he has undergone an actual period of 9 months and 25 days.

Taking into consideration the totality of the circumstances, this Court is of the view that the appellant, who is on bail for the last about 12 years, need not be sent behind the bars for undergoing the remaining sentence of imprisonment imposed upon him. Ends of justice shall be suitably met if the same is reduced to the one already undergone by him. However, the fine amount can be enhanced.

Resultantly, the conviction of the appellant under Section 25 of the Arms Act is upheld. However, his substantive sentence of imprisonment is reduced to the one already undergone by him. The fine of Rs. 5,000/- is, however, enhanced to Rs. 10,000/- which shall be deposited by him in the Court of learned Chief Judicial Magistrate, Hisar within a period of three months from today, failing which he shall be required to undergo simple imprisonment for six months.

The appeal is accordingly disposed of .

(T.P.S.MANN)
JUDGE

14.12.2018
sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No