

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

235

Criminal Revision No.4378 of 2015

Date of Decision: January 16th, 2018

Bal Mukand

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. S.S. Chatrath, Advocate
for the petitioner.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court with a limited prayer that the order dated 28.07.2015 passed by the Civil Judge (Senior Division) (NRI cases), Jalandhar, vide which the petitioner was directed to pay a fine of ₹50,000/-, appeal against which preferred by the petitioner stands dismissed by the Additional Sessions Judge, Jalandhar, vide order dated 03.10.2015, be modified to the extent that the amount of fine may be reduced.

Counsel for the petitioner places reliance upon the order dated 27.11.2015 passed by this Court to contend that the petitioner had not connived with any of the accused, who are evading the process of law. He contends that the petitioner is a poor man with a son, who is a kidney patient, because of which he has no money to comply with the order. The kidneys of his son have failed and, therefore, he needs regular dialysis. He contends that 50% of the total amount of recovery as ordered i.e. ₹25,000/- stands already deposited in compliance with the order dated 27.11.2015 on 15.12.2015. Copy of the receipt has been shown to this

Court. He places reliance upon sub-section 3 of Section 446 Cr.P.C. and

prays for reduction of fine keeping in view the peculiar facts and circumstances of the present case.

Having considered the submissions made by the counsel for the petitioner as also the factual position projected above, which fact could not be disputed by the counsel for the State, the impugned order is modified to the extent of reduction of amount of fine to ₹25,000/- from ₹50,000/- which already stands deposited.

The revision petition stands disposed of accordingly.

January 16th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No