

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

**Criminal Revision No. 43 of 2017 (O&M)
Date of Decision: October 06, 2018**

Dilbag Singh

.....PETITIONER.

VERSUS

State of Punjab

....RESPONDENT.

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Harkaran Singh, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab.

SURINDER GUPTA, J.

Heard.

Learned counsel for the petitioner has not challenged the conviction of the petitioner as recorded by the Court below. He has confined his submission only for leniency in quantum of sentence. He has argued that the petitioner was awarded sentenced to undergo rigorous imprisonment for two years for the offence punishable under Section 25 of Arms Act and two months for the offence punishable under Section 336 of Indian Penal Code (for short IPC) by the trial Court. However, in appeal petitioner was acquitted of offence punishable under Section 336 IPC and sentence awarded to him on this score was set aside.

As per case of the prosecution, 12 bore double barrel gun was recovered from the possession of the petitioner. Out of the total sentence awarded in this case, the petitioner has already undergone 01 year, 10

months and 25 days of sentence till date, which includes remission period of 3 months and 15 days. As the petitioner has already suffered for the offence committed by him, his sentence be reduced to the period of sentence already undergone by him.

The petitioner was initially convicted for the offences punishable under Sections 336 IPC and 25 of Arms Act by learned Magistrate, Rupnagar. In appeal, the conviction and sentence awarded to the petitioner for the offence punishable under Section 336 IPC was set aside and sentence for the offence punishable under Section 25 of Arms Act was maintained.

Custody certificate produced by learned State Counsel shows that petitioner is not a previous convict. He is an old man of 65 years of age. Keeping in view the age, antecedents of the petitioner and that he has already undergone 1 year, 10 months and 25 days of sentence, I am of the opinion that the sentence already undergone by him will serve the ends of justice. The request of learned counsel for the petitioner is accepted and this petition is partly allowed. The conviction of the petitioner for the offence punishable under Section 25 Arms Act and sentence of fine awarded to him is maintained. However, his substantive sentence is reduced from rigorous imprisonment for 2 years to the period of sentence already undergone by him.

Intimation be sent to Superintendent, District Jail, Rupnagar.

October 06, 2018
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No