

CRR-2157 of 2018 (O&M)

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

CRR-2157 of 2018 (O&M)
Date of Decision: 05.09.2018

Mohinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. N.S. Diwana, Advocate, for the petitioner.
Mr. Davinder Bir Singh, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Custody certificate filed in Court today is taken on record.

Learned counsel for the petitioner contends that he does not challenge the impugned judgment of conviction dated 01.09.2016 of the trial Court holding petitioner guilty under Section 4(1) of the Mines & Minerals (Development & Regulation) Act, 1957 and judgment dated 24.10.2017 of the First Appellate Court, affirming the same on merit. However, leniency may kindly be taken qua order of sentence dated 01.09.2016, sentencing the petitioner to undergo rigorous imprisonment for six months and pay fine of ₹25,000/-. In default thereof to undergo rigorous imprisonment for 20 days, considering that out of total sentence of six months, petitioner has already undergone more than three months. Petitioner as on date is aged around 55 years and has a large family to support. Petitioner undertakes not to indulge in any illegal activity in future. Considering above circumstances and the fact that petitioner is not involved in any other criminal case, his sentence may kindly be reduced to the period already undergone.

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On the other hand, learned State counsel, vehemently opposing the above submissions, contends that petitioner does not deserve concession in the matter of sentence.

Having considered the submissions made by both the sides and also the fact that petitioner is not found involved in any other case; has already suffered a protracted trial for more than 5½ years and undertakes not to indulge in any illegal activity in future, this Court is of the view that sentence of the petitioner may be reduced from six months to four months

Consequently, conviction of the petitioner is upheld. However, order of sentence dated 01.09.2016 is modified to the extent that the sentence awarded to the petitioner is reduced from six months to four months. Petitioner be released on completion of four months' sentence, if not required in any other case.

With the observations made above, the present petition is disposed of.

September 05, 2018
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No