

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-S-830-SB-2005
Date of Decision :14.05.2019

Sukhdev Singh Appellant

versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Argued by: Mr. Dinesh Mahajan, Advocate
for the appellant.

Ms. Jaspreet Kaur, AAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The instant appeal has been preferred against the impugned judgment of conviction and order of sentence dated 27.04.2005 passed by Addl. Sessions Judge (Ad hoc), Fast Track Court, Gurdaspur vide which the accused-appellant was convicted and sentenced as under:

<i>Name of Convict</i>	<i>Offence</i>	<i>Period of sentence</i>	<i>Fine imposed</i>	<i>Period of sentence in default of payment of fine</i>
Sukhdev Singh	326/34 IPC	Rigorous imprisonment (RI) for 02 years	₹ 250/-	RI for 01 month
	326 IPC	RI for 2½ years	₹ 500/-	RI for 01 month
	324/34 IPC	RI for one year		
	324 IPC	RI for one year		

All the sentences were ordered to run concurrently.

2. Learned counsel for the appellant has fairly submitted that in

view of the findings of fact recorded by the learned trial Court, he would not press the instant appeal on merits and would instead restrict his prayer qua the sentence only. Learned counsel has submitted that the occurrence pertains to the year 2002 and the appellant has thus, suffered the agony of trial for almost 17 years. He has further submitted that the appellant has been leading the life of a disciplined and peace loving citizen for the last 15 years and is not involved in any other criminal case. He has thus, prayed that in the facts and circumstances of the case, a lenient view may be taken and the quantum of sentence awarded to the appellant by the learned trial Court be reduced to already undergone as no useful purpose would be served by sending the appellant behind the bars.

3. As per custody certificate filed by learned State counsel, the appellant has undergone the actual sentence of 01 year 11 months and 29 days out of the substantive sentence awarded to him. The custody certificate also does not reflect the involvement of the appellant in any other criminal case.

4. I have heard learned counsel for the parties besides going through the evidence and other material available on record.

5. Keeping in view the facts and circumstances and the submissions made by learned counsel for the appellant, I am of the considered view that ends of justice would be met if while maintaining the conviction of the accused-appellant, his substantive sentence of 2½ years is reduced to the sentence already undergone by him in the present case. However, the fine imposed upon the appellant is enhanced from ₹ 250/- to

₹ 500/- awarded under Section 326/34 IPC and ₹ 500/- to ₹ 1000/-awarded under Section 326 IPC, which shall be deposited by him within a period of three months from the date of receipt of certified copy of this order. It is made clear that in case of non-deposit of the aforementioned fine, the benefit of reduction of sentence shall not accrue to the appellant.

6. With these modifications, the present appeal is disposed of.

May 14, 2019
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned?	Yes / No
Whether Reportable?	Yes / No