

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

CRA-S-2275-2019 (O&M)
Date of decision : 07.10.2019

Sukhchain Singh

...Appellant

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. A.S. Barnala, Advocate for the appellant.

Mr. Bhupender Beniwal, AAG, Punjab.

ANIL KSHETARPAL, J. (ORAL)

Present appeal has been filed against the judgment of conviction and order of sentence.

Appellant has been convicted under Section 25 of the Arms Act and sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of ₹500/-. In default of payment of fine, to further undergo rigorous imprisonment for a period of 7 days. Appellant was found in possession of knife.

Learned counsel for the appellant contends that the appellant has already undergone 5 months and 17 days out of total sentence of 6 months. He further submits that case would be governed by Sub-Section 3 of Section 25 of the Arms Act which provide for imprisonment for a term which may extend to six months, or with fine of an amount which may

extend to five hundred rupees, or with both. Hence, he submits that the appellant has already undergone substantive sentence. He prays that the sentence awarded be reduced. He submits that he has instructions to restrict his prayer in the present appeal only for reduction of the sentence.

Learned counsel for the State does not dispute that the present case is covered by Sub-Section 3 of Section 25 of the Arms Act which provide for imprisonment for a term which may extend to six months. Hence, there is no minimum period prescribed under Sub-Section 3 of Section 25 of the Arms Act.

Learned counsel for the State admits that appellant is first time offender.

Keeping in view the aforesaid facts, sentence awarded by the learned Court of Sessions is reduced to the period already undergone.

In view of the above, the present petition is disposed of.

07.10.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No