IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

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**CRM-M-46807 of 2019**
Date of decision : 02.11.2019

Santosh

... Petitioner

Versus

State of Punjab

.. Respondent

**CORAM : HON'BLE MR.JUSTICE HARNARESH SINGH GILL**

Present : Mr.Sachin Ohri, Advocate
for the petitioner.

**Harnaresh Singh Gill, J. (Oral)**

Prayer in this petition is for setting aside the order dated 24.09.2019 (Annexure P-1) passed by the learned Additional Session Judge, Gurdaspur in FIR No.91 dated 21.05.2014 under Section 61 of Punjab Excise Act, registered at Police Station Dinanagar wherein application filed by the petitioner for suspension of sentence and remit the fine has been dismissed.

Learned counsel for the petitioner states that vide order dated 24.09.2019 (Annexure P-1), application for suspension of sentence was dismissed as the petitioner-Santosh wd/o Devi Dyal (deceased) failed to deposit the fine of Rs.2 lacs imposed by the trial Court while convicting her.

Notice of motion.

On the asking of the Court, Mr.S.S.Cheema, AAG, Punjab accepts notice on behalf of the respondent-State.

It is a case in which the petitioner was convicted in FIR No.91 dated 21.05.2014 under Section 61 of Punjab Excise Act, registered at Police Station Dinanagar, by the Chief Judicial Magistrate and sentenced to undergo RI for two years and to pay a fine of Rs.2 lacs vide judgment dated 12.09.2019. Aggrieved against the said order, the petitioner preferred an appeal before the lower appellate court along with application for

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suspension of sentence and remit of fine of Rs.2 lacs imposed by the trial court. Vide order dated 24.09.2019, the application for suspension of sentence has been dismissed by the learned appellate Court.

Keeping in view of the facts and circumstances of the case and the fact that the petitioner is a poor widow, the order dated 24.09.2019, is set aside. The Lower Appellate Court is directed to hear the appeal of the petitioner on merits without insisting her to deposit the amount which has been imposed by the trial court during the pendency of the appeal.

Petition stands disposed of.

**[ HARNARESH SINGH GILL ]**
**JUDGE**

02.11.2019
sd
Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No

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