

**CRM-25363-2020 in/and
CRA-S-1378-2020**

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

**CRM-25363-2020 in/and
CRA-S-1378-2020 (O & M)
Date of decision:19.07.2022**

Paramjit Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Shivender Pal Singh, Advocate for
Mr. B.S.Bhalla, Advocate,
for the appellant.

Mr. Harbir Sandhu, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

On the request of learned counsel for appellant, the main appeal is taken on the Board for hearing today, itself.

Custody certificate by way of affidavit of the Additional Superintendent, Central Prison, Ludhiana, has been filed in the Court today. The same is taken on record.

Present criminal appeal has been preferred by the appellant against judgment of conviction and order of sentence dated 29.03.2019 passed by the learned Sessions Judge, Moga, whereby the appellant alongwith co-accused was convicted for the offence punishable under Section 379-B(I) IPC and sentenced as under:

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Under Section	Sentence
379-B(I) IPC	RI for a period of five years and fine of Rs.10,000/- and in default of payment of fine, to further undergo rigorous imprisonment for six months.

As per the prosecution version, the present appellant alongwith the co-accused had forcibly entered the office of complainant and snatched Rs.17,000/- from him and while snatching, they had also caused injury on the arm of the complainant.

Learned counsel for the appellant submits that he is not pressing this appeal on merit and is not challenging the conviction on merit. He further submits that the appellant has been released after undergoing the actual period of the sentence awarded to him but the amount of fine has not been paid by the appellant and the recovery of the same has already been stayed by this Court during pendency of the appeal.

So far as the default clause in the event of non-payment of fine is concerned, learned counsel further submits that the appellant is a poor person and is unable to pay the fine and prays for modifying the same to the one already undergone by him.

Learned State counsel does not dispute the afore-mentioned factual position to the extent that the appellant has already undergone the actual sentence for a period of five years awarded to him.

I have heard the learned counsel for the parties and perused the record.

Since the appellant has already undergone the actual sentence of five years and learned counsel for the appellant has not pressed for the

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same, therefore, the impugned judgment of conviction and order of sentence stand affirmed. However, considering the submissions made by the learned counsel for the appellant with regard to his financial condition and the fact that the appellant has already completed his entire sentence, the sentence under default clause is ordered to form the part of the one already undergone.

Disposed of in the aforementioned terms.

19.07.2022

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No