

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

CRA-S-2559-SB-2018

Date of Decision: February 16, 2023

Gurpartap Singh @ Kala

... Appellant

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Harchand Singh Batth, Advocate for the appellant.

Mr. Parneet Singh Pandher, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

Vide judgment dated 24.04.2018 in a Sessions Case No.13 of 2017, arising out of FIR No.50, dated 21.05.2016, registered at Police Station Makhu, District Ferozepur, though the appellant and other co-accused were acquitted of the charges under Sections 398, 399, 402 and 473 IPC but the appellant and Jasvir Singh were convicted under Section 25 of the Arms Act, 1959, for keeping in their respective possession one pistol of .32 bore and one rifle of .12 bore. Appellant was sentenced to undergo rigorous imprisonment for a period of one year and also to pay fine of ₹1,000/-. Fine has been duly paid.

It is submitted by the learned counsel for the appellant that appellant does not challenge his conviction. Prayer is made for sentencing the appellant for the period already undergone by him.

In view of the said statement, appeal against the judgment of conviction is hereby dismissed as withdrawn.

As per the custody certificate, appellant has undergone the custody period of 2 months and 11 days. Custody certificate does not reveal any criminal antecedent of the appellant.

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Having regard to the facts and circumstances of the case and the fact that appellant does not have any criminal antecedent, the impugned order of sentence dated 24.04.2018 of learned Additional Sessions Judge, Ferozepur, is hereby modified and the appellant is sentenced to undergo imprisonment for the period already undergone by him.

Present appeal is disposed of accordingly.

February 16, 2023

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**(DEEPAK GUPTA)
JUDGE**

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No