

Inder

Vs

State of Maharashtra

Criminal Appeal No. 211 of 1973

(Syed M. Fazal Ali, A. D. Koshal JJ)

24.01.1979

JUDGMENT

FAZAL ALI, J. –

In this appeal by special leave the appellant has been convicted under Section 135(b) of Customs Act, 1962 and sentenced to two years' rigorous imprisonment and a fine of Rs. 2000. He has also been convicted under Section 85(ii) of the Gold Control Act and sentenced to two years' rigorous imprisonment and a fine of Rs. 2000. The sentences of imprisonment were directed to run concurrently. It appears that the appellant has already spent about a month in jail and after a lapse of ten years it does not appear to be conducive to the ends of justice to send the appellant back to jail. In these circumstances, therefore, while upholding the conviction of the appellant, we would reduce the sentence of imprisonment to the period already served. In lieu of the sentence remitted we impose a fine of Rs. 15,000 under each count, total being Rs. 30,000, in default six months' rigorous imprisonment on each count. The appellant is allowed to pay Rs. 10,000 within a month from today and balance of the amount to be paid within six months from today. With this modification, the appeal is dismissed.

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