

## **Inder vs State Of Maharashtra on 24 January, 1979**

**Equivalent citations: AIR1980SC311, 1980CRILJ328, (1979)4SCC484, 1979(11)UJ284A(SC), 1980 CRI. L. J. 328, 1979 (4) SCC 484 1980 SCC (CRI) 100, 1980 SCC (CRI) 100, AIR 1980 SUPREME COURT 311, (1980) SC CR R 151**

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**Bench: A.D. Koshal, S. Murtaza Fazal Ali**

### **JUDGMENT**

S. Murtaza Fazal Ali, J.

1. 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. 2,000/-. 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. 2,000/-. The sentences of imprisonment were directed to run concurrently. It appears that the appellant has already spent about a month in jail & 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 convictions 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/- with a month from today and the balance of the amount to be paid within six months from today. With this modification, the appeal is dismissed.