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The State of Punjab is in appeal, under Section 19 of the Terrorist and Disruptive Activities (Prevention) Act, 1987, against the order and judgment dated 24.8.1999 passed by the learned Designated Court, Ludhiana in S.C. case No. 512 dated 18.12.1990. The factual context depicts that of the two accused persons, Bara Singh was given the benefit of doubt, by reason of supposed false implication but sofaras the other accused is concerned (Bharpur Singh), the Trial Court found him to be guilty under Section 452 and Section 342 IPC and since the 2nd accused was arrested on 15.4.1989, the Trial Court took a lenient view of the matter and sentenced him to rigorous imprisonment for one year under Section 452 IPC and to pay a fine amount of Rs.500/-. As regards Section 342 IPC, Bharpur Singh was also sentenced to rigorous imprisonment for a period of 3 months. The learned Trial Judge, however, directed that the substantial sentences of imprisonment awarded to the accused shall run concurrently.

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The State of Punjab, however, being aggrieved in the matter filed this appeal as noticed hereinbefore.

Admittedly, the arrests were had on 30.8.1989 under Section 307/34 IPC and Sections 25/27/54/59 of the Arms Act as well as under Section 5 of the TADA Act. Against these offences one of the accused was acquitted and the other one has also served out the sentence. Since the learned Trial Court passed the order impugned on 24th August, 1999, more than two years time has already elapsed. Needless to record further that both the accused persons were obviously in jail since the date of arrest dated 30.8.1989. The accused persons thus were in custody for a period of approximately 11 years.

The long lapse of time and the factum of acquittal order against one and conviction and sentence of one year and three months for the other, however, prompt us not to entertain this appeal. As such, the appeal fails and is dismissed.

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(U.C. BANERJEE)

.....J.
(N. SANTOSH HEGDE)

New Delhi,
September 5, 2001