

CRA-S- 4371 -SB of 2014(O&M)
Date of Decision: 16.01.2015

Bittu @ Shakti

---Appellant

versus

State of Punjab

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. L.M.Gulati Advocate
for the appellant

Mr. Gazi Mohammad, DAG, Punjab
for the respondent-State

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

REKHA MITTAL, J.

The present appeal has been directed against the judgment of conviction and order of sentence dated 18.10.2014 passed by the Additional Sessions Judge (Adhoc), Fast Track Court, Amritsar whereby the appellant has been convicted and sentenced for commission of offence punishable under Section 61(1)(a) of the Punjab Excise Act, 1914 (in short “the Act”), extracted hereinbelow:-

“To undergo rigorous imprisonment for a period of six months and to pay a fine of Rs. 1,000/-. In default of payment of fine, to further undergo rigorous imprisonment for period of 15 days.”

Counsel for the appellant fairly concedes that he does not assail

the findings of the trial court holding the appellant guilty of committing the charged offence but he may be heard on the quantum of sentence.

Counsel has submitted that the criminal proceedings were initiated against the appellant in October 2009 and thus, he has undergone trauma of criminal proceedings for the past more than five years. He has already suffered actual custody for a period of 03 months and 05 days out of substantive sentence of six months. He is neither a previous convict nor any other criminal case stands registered or pending against him. It is prayed that substantive sentence awarded to the appellant may be reduced to the period already undergone.

Custody certificate filed in Court, is taken on record.

Counsel for the State of Punjab, on the basis of custody certificate has submitted that the appellant earned remission of 08 days and his total custody with remission comes to 03 months and 13 days.

I have heard counsel for the parties and perused the records.

The appellant was charged for committing offence under the Act as he was found in possession of 35 bottles of illicit liquor. The case was registered against him on 18.10.2009 but he was arrested on 1.11.2009. He has faced trauma of criminal proceedings for the last more than five years. Custody certificate filed by counsel for the State substantiates contention of the appellant that he has never been booked in any other criminal case much less a previous convict. He has suffered custody including remission for a period of 03 months and 13 days. In the light of cumulative effect of the facts and circumstances discussed hereinabove, I am of the considered opinion that ends of justice would be served if

substantive sentence

CRA-S- 4371 -SB of 2014(O&M)

-3-

awarded to the appellant is reduced to the period already undergone.

As a consequence, the appeal stands disposed of with
modification in the aforesaid terms.

(REKHA MITTAL)
JUDGE

16.01.2015
PARAMJIT