

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

CRR-1001 of 2007 (O&M)

Date of decision: 02.09.2015

Baljit Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Kanwar Goyal, Advocate for the petitioners.

Mr. Luvinder Sofat, AAG, Punjab
for the State.

Jitendra Chauhan, J.

By filing the present criminal revision, the petitioners have assailed the judgment dated 26.05.2007, vide which, the learned Addl. Sessions Judge (Ad hoc) FTC, Sangrur, upheld the judgment dated 26.10.2005, passed by the learned Judicial Magistrate 1st Class, Sunam, whereby, the petitioners were convicted under Section 61(1) (a) of the Punjab Excise Act, 1914 (for short 'the Act') and sentenced to undergo RI for a period of six months and ordered to pay fine of Rs. 1000/- each and in default of payment of fine, to further undergo RI for one month.

The prosecution case against the petitioners is that on 01.04.2000, the petitioners were apprehended while they were having 13 boxes of country made liquor marked Gulab in a car, without any permit or licence. Each box contained 12 bottles and total 156 bottles were recovered from their possession.

On commitment, the accused were charged sheeted under Section 61(1)(a) of the Act, to which the accused/petitioners pleaded not guilty and claimed trial.

In support of the case of prosecution, it examined PW-1 MHC Narsi Ram; PW-2 Parshotam Ram; PW-3 Kavar Sain Singla, Clerk; PW-4 Constable Jameet Singh; PW-5 ASI Babu Singh and PW-6 Sarwan Singh.

The statements of the accused under Section 313 Cr.P.C., were recorded. They pleaded innocence and alleged false implication. However, they did not lead any evidence in their defence.

After hearing the Public Prosecutor for the State, the Counsel for the accused, and after going through the evidence, on record, the trial Court convicted and sentenced the accused/petitioners, as stated hereinbefore.

Feeling aggrieved against the judgments of both the Courts below, the instant revision was filed by the accused/petitioners which was admitted on 31.05.2007. The sentence

of accused/petitioners was suspended on 02.07.2007.

The learned counsel for the petitioners does not press the revision petition on merits and has submitted that the petitioners are the sole bread winner of their families. He has further submitted that the petitioners have suffered a protracted trial as the FIR was registered on 01.04.2000. The petitioners have never misused the concession of bail during the trial as well as during the pendency of the present revision petition. They are first offenders and have already undergone one month and 09 days out of substantive sentence of six months. Thus, the learned counsel prays for a lenient view on the quantum of sentence imposed by the trial Court.

On the other hand, the learned State counsel opposed the prayer of petitioners/accused and supported the judgment of conviction and order of sentence passed by the trial Court.

I have heard the arguments of the learned counsel for the parties and has carefully gone through the record of the case.

The prosecution case is fully proved by the statements of the prosecution witnesses. There is no flaw in the unassailed judgment of conviction. There is no merit in this present revision petition which is dismissed on merits.

The petitioners have suffered agony of protracted trial. It is one of the mitigating circumstance to treat them leniently. The petitioners are stated to be first time offenders. They have already

undergone one month and 09 days sentence, out of the substantive sentence of six months and never misused the concession of bail. In view of the above, the prayer made on behalf of the petitioners is accepted. The sentence awarded to the petitioners is ordered to be reduced to the period already undergone.

Ordered accordingly.

However, the fine is further enhanced to ₹15,000/- to be paid within four months after the receipt of certified copy of the order. It is made clear that if the enhanced amount of fine is not paid within the stipulated period, the present revision petition shall be deemed to be dismissed without any notice.

02.09.2015

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(JITENDRA CHAUHAN)
JUDGE