

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 2013 of 2006 (O&M)

Date of decision : November 04, 2015

Satish Kumar,

..... Petitioner

v.

State of Punjab,

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Aakash Singla, Advocate
for the petitioner.

Mr. AS Gill, AAG Punjab

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

Ajay Tewari, J (Oral)

This is a revision petition against the concurrent conviction of the petitioner under Section 379 of the IPC read with Section 52 of the Indian Post Office Act, 1898 (for short “the Act”).

Allegations against the petitioner who was facing trial under Section 16 of the Prevention of Food Adulteration Act were that he in connivance with certain postal employees removed a parcel containing second sample of milk for analysis from the train.

Custody certificate by way of affidavit of Baljeet Singh,

Officiating Superintendent, District Jail, Sangrur has been filed.

Counsel for the petitioner has argued that he would not press the petition qua conviction under Section 379 of the IPC but the conviction of the petitioner under Section 52 of the Act is ex-facie illegal because Section 52 itself clearly applies only to those persons who are officers of the post office. The petitioner, admittedly, is an outsider and, therefore, conviction and separate sentence of one year under Section 52 of the Act has to be set aside. Apart therefrom, counsel for the petitioner has argued that the petitioner has suffered agony of these proceedings for the last 20 years and that he has already undergone 2 months and 20 days of actual sentence out of total sentence of one year. He has further argued that no other case is pending against the petitioner and in these circumstances, his sentence be reduced to the period already undergone by him.

Learned AAG Punjab has candidly accepted that conviction of the petitioner under Section 52 of the Act is unjustified. As regards the prayer for reduction in the sentence, he has stated that there may be some scope of reduction in the sentence, in view of the fact that the petitioner has faced these proceedings for the past 20 years.

In my opinion, in the interest of justice and keeping in view the fair stand taken by counsel for the petitioner as well as the fact that the petitioner has been facing these proceedings for the last almost 20 years, I deem it appropriate to reduce the sentence of the petitioner to the period already undergone by him.

This revision petition stands disposed of.

(AJAY TEWARI)
JUDGE

November 04, 2015
`kk'

