

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

Crl. Revision No. 2505 of 2006 (O&M)

Date of Decision: 20.05.2015

Vijay Kumar

.. Petitioner

Vs.

State of Punjab

.. Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present:- Mr. Amit Dhawan, Advocate
for the petitioner.**

Mr. K.S. Aulakh, AAG Punjab.

ANITA CHAUDHRY, J.

The instant revision petition has been preferred against the judgment of conviction and order of sentence recorded by the Courts below.

FIR No.55 dated 21.07.2000 was registered under Section 61 of the Punjab Excise Act, 1914(for short, the Act) against the petitioner and Rakesh Kumar on the allegations that on 21.07.2000 the police party headed by ASI Jagjit Singh intercepted an Ambassdor Car No. DHC-6345. The car was driven by the petitioner and Rakesh Kumar was sitting on the back seat. On search of the car, 13 boxes of Rum(156 bottles) and 02 boxes (24 bottles) of country made liquor were recovered from the boot. They failed to show any licence or permit.

Charge under Section 61 of the Act was framed against the accused, to which they pleaded not guilty.

The prosecution examined five witnesses.

Accused Rakesh Kumar died during trial.

Though, the case of the accused was of denial, but the trial Court, on appraisal of the evidence on record convicted the petitioner and sentenced him undergo rigorous imprisonment for one year and to pay a fine of Rs.1000/-. In default of payment of fine, the accused was directed to undergo simple imprisonment for seven days.

Dis-satisfied with the same, the petitioner preferred an appeal challenging his conviction and sentence.

The Appellate Court below dismissed the appeal filed by the accused.

Aggrieved with the same, the accused has preferred the instant petition.

I have heard learned counsel for the parties and have gone through the paper-book carefully.

During the course of arguments, learned counsel for the petitioner has not touched the merits of the case and has confined his submissions to the quantum of sentence imposed upon the petitioner.

It has been contended by learned counsel for the petitioner that the occurrence took place in the year 2000 and the petitioner has undergone the agony of a protracted trial for fifteen long years. According to him, the petitioner was the driver

and the main accused Rakesh had died during trial. He further submits that the petitioner has remained in custody for about 41 days in this case. He further submits that the case was registered during prohibition ordered by the State and the petitioner is a first offender.

In view of the circumstances appearing in this case, it will be appropriate if the sentence of the petitioner is reduced to the one already undergone by him. However, the sentence of fine is maintained.

With the above modification, the instant revision petition stands disposed of.

May 20, 2015
Jiten

(ANITA CHAUDHRY)
JUDGE