

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

**CRR No.2585-2006 (O&M)
Date of Decision : 07.09.2015**

Buta Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Kanwal Deep Kumar, Advocate, Amicus Curiae.
None for the petitioner.

Mr. A.P.S.Gill, AAG, Punjab.

1. Whether Reporters of local papers 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)

None has entered appearance on behalf of the petitioner. On the asking of the Court, Mr. Kanwal Deep Kumar, Advocate has very graciously agreed to appear as Amicus Curiae.

Learned Additional Advocate General has handed over a copy of the paper book to the learned Amicus Curiae, who has gone through the same and states that he is ready to argue the matter. He has argued that the revision is against the concurrent conviction of the petitioner under Section 61 (1) (c) of the Punjab Excise Act, 1914.

As per the allegations, the petitioner was habitual of distilling illicit liquor and on receipt of secret information that he was distilling the

illicit liquor by setting up a working still, a raid was conducted and a can plastic containing 45 kgs. of lahan and another plastic can containing 2 ½ bottles of illicit liquor were recovered.

Learned Amicus Curiae has argued that there is no reason to disbelieve DW 1-Jai Singh. He has further argued that the very basis of the FIR is to the effect that the petitioner was habitual bootleggar but that is not borne out from the custody certificate filed today in Court as per which there is no other case in which the petitioner has been convicted. He has argued that on this score the petitioner deserves that his sentence be reduced to that he has already undergone. He has further argued that the Courts below have noticed discrepancies in the statements of PW-1 and PW-4 but have wrongly swept them under the carpet.

Learned Assistant Advocate General is not in a position to deny the aforesaid submissions because as per the custody certificate filed in shape of affidavit by Sukhwinder Singh, PPS, Superintendent, Central Jail Bathinda no other case is pending against the petitioner and was not convicted in any other matter.

In the circumstances, even while upholding the conviction I do not deem it appropriate to deny the limited prayer made by the learned Amicus Curiae and reduce the sentence of the petitioner to that which he has already undergone.

Ordered accordingly.

Petitions stand disposed of in the above terms.

This Court puts on record its appreciation for the able assistance of the amicus.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

07.09.2015

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**