

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

Crl. Revision No.91 of 2006 (O&M)

Date of decision: 16.01.2015

Jain Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sukhdev Singh, Advocate,
for Mr. L.S. Sidhu, Advocate,
for the petitioner.

Mr. Gurveer Sidhu, AAG, Punjab.

Ritu Bahri, J.

Challenge in this petition is to the judgment dated 06.12.2005 passed by the Additional Sessions Judge, Mansa, dismissing the appeal filed by the accused-petitioner against the judgment of conviction and order of sentence dated 18.10.2002 passed by the Judicial Magistrate, Ist Class, Mansa.

The trial Court, vide judgment dated 18.10.2002, convicted the accused-petitioner under Sections 186 and 353 IPC and sentenced him as under:-

Offence	Sentence
U/S 186 IPC	Rigorous imprisonment for a period of three months.
U/S 353 IPC	Rigorous imprisonment for a period of six months and to pay a fine of Rs.300/-. In default of payment of fine, to undergo rigorous imprisonment for a period of 10 days.

On 08.08.2001, Rajiv Puri, Excise Inspector and Tarsem Singh, Peon, were present in the area of village Bhikhi, where they received an information that Sehnsis were selling liquor in the area of village Bhikhi. In order to verify the said fact, they proceeded towards Sehnsis Mohalla, Bhikhi. When they reached opposite to Jindal Gun House, Bhikhi, Jain Kumar alias Jain-petitioner and Prem Kumar, Proprietor of Jindal Gun House were found present there. Prem Kumar told him that wine contractors were bringing liquor at cheaper rates from outside and were selling it at higher rates. Jain Kumar-petitioner told him that he could provide a box of illicit liquor for a sum of Rs.400/-. He also dared Rajiv Puri, Excise Inspector, by saying that he would see as to who could apprehend him. Thereafter, he caught the Excise Inspector from his neck and grappled with him. During scuffle, T-shirt of Rajiv Puri, Excise Inspector, was torn. He tried to make the petitioner understand that he was a Government Servant and should not be treated in that manner. However, the accused-petitioner continued abusing him. Tarsem Singh and Surinder Kumar @ Chhinda saved him from the accused. Thereafter, Rajiv Puri, Excise Inspector, got recorded his statement (Ex.PA) before the police, on the basis of which, the FIR was registered and investigation was conducted. On completion of investigation, challan was presented.

After presentation of challan, charges under Sections 186 and 353 IPC were framed against the accused-petitioner, to which, he pleaded not guilty and claimed trial.

In order to prove its case against the accused-petitioner, the prosecution examined Rajiv Puri-complainant (PW-1), Tarsem Singh (PW-2), Surinder Kumar (PW-3) and ASI Nachhattar Singh (PW-4). Thereafter,

the evidence of prosecution was closed.

Statement of accused-petitioners under Section 313 Cr.P.C. was recorded, wherein entire incriminating evidence was put to him. However, he denied the same and pleaded false implication.

The trial Court, after going through the entire evidence led by the prosecution, convicted and sentenced the accused-petitioner in the aforesaid terms. Appeal against the said judgment was dismissed by the Additional Sessions Judge, Mansa, vide judgment dated 06.12.2005.

Learned counsel for the petitioner, at the outset, does not challenge the conviction on merits and restricts his prayer to quantum of sentence.

After going through the impugned judgments, no illegality, much less irregularity, has been found therein warranting interference by this Court. Accordingly, the impugned judgments are upheld and the present petition is dismissed. However, a lenient view can be taken on the quantum of sentence.

The incident in the present case took place on 08.08.2001 and the petitioner has been facing the agony of a protracted criminal trial for the last more than 13 years. The sentence of the petitioner was suspended by this Court vide order dated 16.01.2006 and thereafter, he has not misused the concession of bail. As per custody certificate, the petitioner has undergone 1 month and 15 days in custody and he is not facing any other criminal trial. Keeping in view the above circumstances, the sentence of imprisonment awarded to the petitioner is reduced to the period already undergone. However, the amount of fine is enhanced from Rs.300/- to Rs.3000/-. The petitioner is directed to deposit the enhanced amount of fine before the trial

Court.

With the above modification, the petition stands disposed of.

16.01.2015

ajp

(RITU BAHRI)
JUDGE