

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

**Criminal Misc. No.20356 of 2015 in/and
Criminal Revision No.2337 of 2015**

Date of decision: December 03, 2015

Surinder Kumar

-----Petitioner (s)

V/s

State of Punjab

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. D.S. Kahlon, Advocate for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA, J.(Oral)

On the oral request of learned counsel for the parties, the main case is taken up on board for hearing today itself.

Challenge in the present criminal revision petition is to the judgment dated 20.05.2015 passed by the learned Sessions Judge, Pathankot, whereby the appeal against the judgment dated 09.01.2015 passed by Judicial Magistrate First Class, Pathankot, was dismissed.

Learned Magistrate, vide judgment dated 09.01.2015 held the petitioner guilty for offence punishable under Section 61(1)(c)(ii) of the Punjab Excise Act, 1914 and vide separate order of even date, sentenced him to undergo RI for one year and pay fine of Rs.1,00,000/-

Judgment dated 09.01.2015 passed by Judicial Magistrate Ist Class, Pathankot, was challenged by the petitioner by way of an appeal and learned Sessions Judge, Pathankot, vide his judgment dated 20.05.2015, has dismissed the same, however, with slight modification in the sentence of fine, which was reduced to Rs.5,000/- instead of Rs.1,00,000/-

Learned counsel for the petitioner contends that, as against the awarded sentence of 01 year, the accused/petitioner is in custody since 20.05.2015 and in this manner, the accused/petitioner is in custody for the last about 07 months including the custody period during trial. Learned counsel further contends that there is no other case registered against the accused/petitioner.

Learned counsel for the State, on instructions from Head Constable-Raghubir Singh, also does not dispute the above facts.

I have heard learned counsel for the parties and have gone through the case file.

Taking into consideration the fact that the accused-petitioner was held guilty for offence punishable under Section under Section 61(1) c (ii) of the Punjab Excise Act, 1914 and as against the awarded sentence of 01 year, he is in custody for the last about 07 months including the custody period during trial, I am the view that ends of justice would be met, if sentence awarded to the petitioner is reduced to the period already undergone by increasing the amount of fine.

Accordingly, the sentence of the accused/petitioner is reduced to the period already undergone, however, the amount of fine is enhanced to Rs.25,000/- instead of Rs.5,000/-, as awarded by learned Sessions Judge, Pathankot. The enhanced amount of fine shall be paid by the petitioner within

one month from today, failing which, the present petition shall deemed to be dismissed *in toto*.

With the aforesaid modification in the order of sentence, the present revision petition stands dismissed.

December 03, 2015
Anjal

(HARI PAL VERMA)
JUDGE