

CRR-2551-2015 (O&M)

Date of Decision:-18.09.2015.

MANGAL SINGH @ BITTU

.....PETITIONER(S)

VERSUS

STATE OF PUNJAB

....RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. H.S. Rakhra, Advocate
for the petitioner.

Mr. A.S. Kler, DAG, Punjab.

SHEKHER DHAWAN, J.CRM-22279-2015

In view of the reasons mentioned in the application, same is allowed and delay of 16 days in filing the appeal is condoned.

CRM-22280-2015

Learned counsel for the petitioner seeks permission to withdraw the present application, at this stage.

Dismissed as withdrawn.

CRR-2551-2015

This is a revision petition against the judgment/order of conviction passed by the learned Judicial Magistrate 1st Class, Batala on 24.07.2014 and judgment of conviction passed by Additional Sessions Judge, Gurdaspur on 30.03.2013 whereby the appeal of the petitioner was dismissed. Petitioner was apprehended on

07.06.2011. He was found in possession of 39 bottles of 750 Mls each and 1 bottle of 570 Mls of liquor. The police party completed the proceedings on the spot and after trial, present appellant was convicted and sentenced and thereafter his appeal was dismissed.

Learned counsel for the petitioner mainly urged that he does not challenge the judgment of conviction and decision of First Appellate Court but at the same time made requests that a lenient view on the point of sentence may be taken as the petitioner has already undergone actual sentence of more than 6 months out of sentence of 1 year with a fine of Rs.1,000/-. Fine already stands deposited, so a lenient view from the point of sentence may be taken.

Learned State counsel urged that Courts below have already taken very reasonable view and awarded minimum sentence and said sentence was made affirmed by the Appellate Court and the present revision petition be dismissed.

I have considered the submissions made by counsel for the parties and the fact that revisionist is not challenging the judgment of conviction. Otherwise appeal is against judgment of conviction which is based on facts of the case and evidence available on file and both the Courts have duly appreciated the same. Hence, the present appeal against judgment of conviction stands dismissed, having been withdrawn.

As regards to order of sentence passed by learned Magistrate and affirmed by first Appellate Court, the revisionist has

prayed that a lenient view qua sentence be taken. Learned counsel for revisionist took the plea that revisionist is a very person and he is not a previous convict. He has already undergone actual sentence of six months against awarded sentence of one year. So, the lenient view on the point of sentence be taken. Otherwise, fine already stands deposited.

In view of above, order of sentence stands modified that revisionist shall undergo the sentence of period, which he has already undergone while remaining in custody during the period of investigation/trial of the case. He shall be released from custody in this case, if not required in other case.

September 18, 2015
ps-l

(SHEKHER DHAWAN)
JUDGE