

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No.3713 of 2013

DATE OF DECISION: August 03,2016

Sukhwinder Singh @ Bittu

...Petitioner

versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE AJAY TEWARI

Present: Sh. R.K.Agnihotri, Advocate for the petitioner.
Mr.Vikas Malik, DAG, Haryana.

AJAY TEWARI, J.(ORAL)

Learned State counsel has placed on record the custody certificate of the petitioner by way of affidavit of Bimla Devi, Deputy Superintendent, District Jail, Kurukshetra. As per custody certificate, the petitioner has undergone almost four months and twenty one days of actual incarceration out of one year as on 1.8.2016.

The petitioner was convicted by the Judicial Magistrate Ist Class, Kurukshetra for offence under Section 61(1)(d) of the Excise Act vide judgment dated 27.9.2011 and was sentenced to undergo RI for one year and fine of Rs.5,000/- with default clause vide order dated 28.9.2011.

Aggrieved by judgment of conviction and order of sentence, the petitioner filed an appeal before Additional Sessions Judge, Kurukshetra which was dismissed on 17.10.2013 and judgment of trial Court was upheld.

The petitioner after losing before the two Courts below has approached this Court by way of filing the revision petition.

It is the case of the prosecution that on 7.12.2007 that the petitioner was intercepted with seven plastic boxes containing 15 kgs lahan each.

On the threshold, learned counsel for the petitioner showers various arguments, but when this Court was not convinced, he submits that he does not wish to challenge the judgment of conviction and prays for reduction of sentence. He submits that the petitioner has already undergone actual sentence of more than four months against total sentence of one year and he is facing agony of trial for the last more than nine years. He also submits that the lenient view may be taken in the matter.

Learned State counsel has not disputed the custody period but opposes the prayer of the petitioner.

Heard arguments of learned counsel for the parties and have also perused the judgments of both the Courts below.

Keeping in view the circumstances and submissions as mentioned above, while maintaining the conviction, it would be in the interest of justice to reduce his sentence to the period of five months.

While admitting the revision petition, this Court vide order dated 4.3.2014 ordered the release of the petitioner on bail.

Accordingly, it is directed that now the petitioner would surrender before the Chief Judicial Magistrate/Duty Magistrate, Kurukshetra to serve the remainder part of sentence.

With the observations made above, the present revision petition is disposed of.

August 03, 2016
KD

(Ajay Tewari)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No