

Criminal Revision No.1779 of 2016 (O & M)

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 246

Criminal Revision No.1779 of 2016 (O & M)

Date of Decision: August 10, 2016

SARABJIT SINGH @ SADDI

..... PETITIONER

VERSUS

STATE OF PUNJAB

..... RESPONDENT

...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

...

PRESENT: - Mr. Jasinder Singh Thind, Advocate, for the petitioner.

Mr. J.S. Sekhon, Assistant Advocate General, Punjab.

. . .

Jaspal Singh, J.

1. The instant revision has been preferred by Sarabjit Singh @ Saddi challenging judgment/order dated December 02, 2015, passed by the Judicial Magistrate Ist Class, Amritsar, in case bearing FIR No.38 of 2013, under Section 61.1.14 of Punjab Excise Act, Police Station Maqboolpura as well as judgment dated March 28, 2016 passed by learned Additional Sessions Judge, Amritsar. Vide judgment/order dated December 02, 2015, he was convicted and sentenced as under:-

Criminal Revision No.1779 of 2016 (O & M)

ANKUR GOYAL
2016.08.19 14:10
I attest to the accuracy and
authenticity of this document [2]

Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Sarabjit Singh @ Saddi	61(i)(a) of Punjab Excise Act	One year	3000/-	Two months

Dis-satisfied with the aforesaid judgment/order, the accused – petitioner preferred an appeal which was also dismissed vide judgment dated March 28, 2016 passed by the lower appellate court. Aggrieved from the judgments passed by both the courts below petitioner filed this revision petition.

2. While issuing notice of motion on May 11, 2016, following order was passed by this Court:-

“There are concurrent findings of both the courts below with regard to recovery of illicit liquor. So far as the conviction of the petitioner is concerned there is no scope of any interference.

Notice of motion for 10.08.2016 qua quantum of sentence only.”

3. As far as quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court and upheld by the lower appellate court. Apart from the fact that petitioner is facing the agony of protracted trial for approximately 03 years after registration of the instant case; is a poor person having three children; is a sole bread winner of the family and only source for livelihood for his old aged parents. Accused – petitioner is also first offender. There is no other case of similar nature, either pending or disposed of, against the petitioner. Moreover, petitioner had already suffered incarceration for a period of 04 months & 24 days by now, as is evident from custody certificate dated August 10, 2016. Thus, this court is of the considered view that a chance be given to the petitioner to reform & improve himself; to become good responsible citizen/person.

Criminal Revision No.1779 of 2016 (O & M)

4. Taking into consideration the aforesaid aspects of the case, though, conviction of the petitioner is upheld but the sentence imposed upon him by the courts below is reduced to the period already undergone by him, with no change in fine clause. Petitioner is hereby directed to be released forthwith.

5. With the above modification in sentence, revision petition stands dismissed.

CRM No. 15376 of 2016

The instant application for suspension of sentence is rendered infructuous since the main petition has been disposed of with modification in sentence imposed upon the petitioner.

August 10, 2016
avin/ankur

(Jaspal Singh)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No