

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 228

ANKUR GOYAL
I attest to the accuracy and
authenticity of this document

Criminal Revision No.1958 of 2016 (O&M)

Date of Decision: September 28, 2016

Bhana Singh

..... PETITIONER

VERSUS

State of Punjab

..... RESPONDENT

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

PRESENT: - Mr. D.P.S. Bajwa, Advocate, for the petitioner.

Mr. B.S. Cheema, Deputy Advocate General, Punjab.

. . .

Jaspal Singh, J.

1. The instant revision has been preferred by Bhana Singh challenging judgment/Order dated July 02, 2015 passed by the Judicial Magistrate 1st Class, Rajpura, in case bearing FIR No.115 dated November 16, 2007, under Sections 61 & 78 of Punjab Excise Act, 1914 and Sections 420, 120-B, 465, 467, 468 & 471 IPC, registered at Police Station Banur, District Rajpura as well as judgment dated February 24, 2016 passed by learned Additional Sessions Judge, Patiala. Vide judgment/order dated July 02, 2015, he was convicted and sentenced as under:-

Name of Accused	U/s	SI	Fine (₹)	In default (S.I.)
Bhana Singh	61 of Punjab Excise Act, 1914	Two years	2000/-	One month

Dis-satisfied with the aforesaid judgment/order, the accused – petitioner preferred an appeal which was also dismissed vide judgment dated February 24, 2016 passed by the lower appellate court. Aggrieved from the judgments passed by both the Courts below petitioner filed this revision petition.

2. At the very outset of arguments, learned counsel for the petitioner submits that he does not press the petition qua conviction, however, the petitioner be heard only qua quantum of sentence. This Court has also scrutinized the impugned judgment(s) as well as the relevant document(s)/evidence and is of the considered view that there is no scope for any interference in impugned judgment(s) as far as the conviction of the petitioner under the aforesaid provisions of IPC is concerned. As such, the conviction of the petitioner is upheld.

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 a period of more than 8 years and 10 months after registration of the instant case; is a poor person and is a sole bread winner of the family. Accused – petitioner is also first offender. There is no other case of similar nature, either pending or disposed of, against the petitioner, who had already suffered incarceration for a period of 08 months and 19 days (including remission), as is evident from custody certificate dated September 19, 2016. Thus, this Court is of the

considered view that a chance be given to the petitioner to reform & improve himself; to become good citizen; and to lead a peaceful & harmonious life.

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. 17259 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.

September 28, 2016
avin/ankur

(Jaspal Singh)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No