

Criminal Revision No.2427 of 2016 (O&M)

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 240

Criminal Revision No.2427 of 2016 (O & M)

Date of Decision: September 09, 2016

SAHIB SINGH

..... PETITIONER

VERSUS

STATE OF PUNJAB

..... RESPONDENT

...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

...

PRESENT: - Mr. Rishu Mahajan, Advocate, for the petitioner.

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

. . .

Jaspal Singh, J.

1. The instant revision has been preferred by Sahib Singh challenging judgment/order dated December 08, 2015, passed by the Judicial Magistrate Ist Class, Amritsar, in case bearing FIR No.77, dated June 03, 2014, under Section 61 of Punjab Excise Act, 1914, registered at Police Station Majitha, District Amritsar as well as judgment dated April 19, 2016, passed by learned Additional Sessions Judge, Amritsar. Vide judgment/order dated December 08, 2015, he was convicted and sentenced as under:-

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ANKUR GOYAL
2016.09.19 17:57
I attest to the accuracy and
authenticity of this document
[2]

Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Sahib Singh	61(1) (aa) of Punjab Excise Act, 1914	01 year	1000/-	02 weeks

Dis-satisfied with the aforesaid judgment/order, the accused – petitioner preferred an appeal which was also dismissed vide judgment dated April 19, 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 July 12, 2016, following order was passed by this Court:-

“Learned counsel for the petitioner submits that he does not wish to challenge the conviction of petitioner on merits. However, a lenient view may be taken qua sentence.

Notice of motion for 23.8.2016 qua quantum of sentence only.”

3. 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.

4. 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 more than 02 years & 03 months after registration of the instant case and petitioner is also first offender. There is no other case of similar nature, either pending or disposed of, against the petitioner.

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Moreover, petitioner had already suffered incarceration for a period of 06 months & 24 days by now, as is evident from custody certificate dated September 09, 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.

5. 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.

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

CRM No. 20409 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 09, 2016
Ankur

(Jaspal Singh)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No