

**108 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRR No.26 of 2016 (O&M)
Date of Decision: March 18, 2016**

Darshan Singh

.... Petitioner

vs.

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Puneet Kumar Bansal, Advocate for the petitioner.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Impugned in the present revision petition is the judgment dated 10.12.2015 passed by learned Sessions Judge, Ferozepur, affirming the judgment of conviction and order of sentence dated 20.07.2015 passed by learned Judicial Magistrate 1st Class, Ferozepur, vide which the petitioner was convicted for the commission of offence punishable under Section 61(1)(c) of the Punjab Excise Act, 1914 and sentenced to undergo rigorous imprisonment for one year and to pay a fine of ₹5,000/-, in default thereof to further undergo simple imprisonment for a period of one month.

The allegations against the petitioner are that on the raid conducted by the police, the petitioner was found distilling illicit liquor by means of working a still. The working still was cooled down and its components including gas stove were taken into police possession.

Two drums containing 50 Kg. of lahan each and a plastic can containing 10-1/4 bottles of illicit liquor were recovered from the spot.

Both the courts below after appreciating the evidence, held that the charges levelled against the petitioners have been proved and he was convicted and sentenced as aforesaid.

I have heard learned counsel for the petitioner and have also carefully gone through the case file.

Learned counsel for the petitioner contends that no independent witness was joined by the police. Therefore, the conviction is not sustainable in the eyes of law.

However, the difficulty of the police in procuring the independent witness when conducting the raid has to be appreciated.

Learned counsel for the petitioner has further contended that in this case, verification of the affidavit of M.H.C. was not proper. He was verified on the basis of knowledge only.

Since the facts alleged in the affidavit was well within the knowledge of the M.H.C., therefore, the verification cannot be called improper.

Thus, there is no illegality in the impugned judgments passed by both the courts below in convicting the petitioner.

Accordingly, the present revision petition stands dismissed.

March 18, 2016
sarita

(KULDIP SINGH)
JUDGE