

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

CRR No. 4220 of 2015

Date of decision : 22.04.2016

Gurcharan Singh @ Chana

....Petitioner

V/s

State of Punjab

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Munish Gulati, Advocate for the petitioner.

Ms. Rajni Gupta, Addl. A.G. Punjab.

RAJAN GUPTA J.

Challenge in the present revision petition is to judgment dated 18.09.2015 passed by Sessions Judge, Ferozepur whereby appeal filed by petitioner challenging his conviction and sentence for the offence under section 61(1)(a) of the Punjab Excise Act, 1914 passed by Sub Divisional Judicial Magistrate, Guruhar Sahai was dismissed.

Brief stated, case of the prosecution is that on 18.07.2012 ASI Pawan Kumar alongwith other police officials were patrolling and proceedings from Mohan Ke Uttar to Tukna Basti, Mandiwala etc. When they reached at the crusher near the canal, they saw accused sitting near the heap of dry grass. On seeing the police party, he tried to run but was apprehended. On search, a black coloured rubber tune was recovered from the heap of dry grass. Thereafter, a nip was separated as sample and remaining liquor came out to be 84 bottles measuring 750 mls each and one bottle measuring 570 ml. Same was again poured back in the

rubber tube. Sample nip and rubber tube were sealed with the seal impression PK. All the sealed articles were taken into police possession vide recovery memo. Accused were arrested. On completion of necessary formalities, challan was submitted in the competent court of jurisdiction.

Trial court after appraising the evidence, convicted and sentenced the accused-petitioner under section 61 (1) (a) of the Act and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of ₹1,000/- in default whereof to undergo further rigorous imprisonment for a period of thirty days. Aggrieved, against the same, petitioner filed an appeal. Same was dismissed by Sessions Judge, Ferozepur vide judgment dated 18.09.2015.

On perusal of the judgments of both the courts below, I am of the considered view that the trial court has rightly appreciated the evidence on record while holding the petitioner guilty of the charge framed against him. The appellate court has also rightly dismissed the appeal. There is no infirmity or illegality in the findings given by both the courts below. The conviction of the petitioner is, thus, affirmed.

In any case petitioner has undergone the entire sentence and has been released from custody on 20.04.2016. It is clear from perusal of affidavit of Baldev Singh, Dy. Superintendent, Central Jail, Ferozepur, filed today in court.

In view of above, no interference is called for.
Dismissed.

April 22 2016

Ajay

(RAJAN GUPTA)
JUDGE