

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-3468-2016 (O&M)
Date of decision: 03.11.2016

Krishan Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Shakti Mehta, Advocate for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab.

Jitendra Chauhan, J.

By filing the present criminal revision, the petitioner has assailed judgment dated 01.09.2016, passed by learned Additional Sessions Judge, Patiala, affirming judgment/order dated 04.09.2015, passed by Judicial Magistrate 1st Class, Samana, convicting the petitioner under Section 61(1)(a) of the Punjab Excise Act, 1914 (for short, 'the Act') and sentencing him to undergo rigorous imprisonment for a period of 01 year and fine of Rs.1,000/- along with default stipulation.

On 23.09.2016, the following order was passed by this Court:-

“Learned counsel for the petitioner contends that he does not wish to argue the present petition on its merits and prays that some lenient view be taken in the matter of sentence as the petitioner is the

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sole bread earner of the family and is saddled with the responsibility of four minor children.

Notice of motion for 03.11.2016 qua quantum of sentence only.

Dasti only.”

As per the custody certificate filed today in the Court, the petitioner has already undergone 02 months and 01 day, out of the substantive sentence of 01 year. A further perusal of the custody certificate reveals that the petitioner is not involved in any other case.

Keeping in view the fact that the petitioner is a first offender, the only earning member of the family, saddled with the responsibility of four minor children, the prayer made on behalf of the petitioner is accepted and the sentence of imprisonment of petitioner, Krishan Kumar, is reduced from 01 year to the period already undergone by him, under Section 61(1)(a) of the Act, subject to payment of enhanced fine of Rs.15,000/-, within a period of three months from the date of receipt of a certified copy of this order. The petitioner is stated to be in custody. He be released forthwith, if not required in any other case.

Ordered accordingly.

However, it is made clear that in case, the amount is not paid within the stipulated period, the present revision petition shall be deemed to have been dismissed without further notice.

03.11.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No

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