

In the High Court for the States of Punjab and Haryana
at Chandigarh

(Sr.No.302)

CRR No.636 of 2006

Date of Decision:-July 05, 2017

Parkash Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present : Mr. Sarvesh Kumar Gupta, Advocate,
with Mr. Akshay Rana, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, Assistant Advocate General, Punjab.

Gurvinder Singh Gill J. (Oral)

1. This revision petition has been filed by the petitioner-Parkash Singh challenging judgment dated 11.02.2006 passed by the Court of Additional Sessions Judge(Ad-hoc) Fast-Track Court, Ludhiana vide which his conviction as recorded by Judicial Magistrate 1st Class, Jagraon in respect of the offence under Section 61(1)(a) of the Punjab Excise Act, 1914 has been upheld. Vide impugned judgement, the sentence as imposed by the trial Court i.e. rigorous imprisonment for one year along with fine to the tune of Rs.1,000/- also has been upheld.
2. The facts, in nut-shell, are that the petitioner-Parkash Singh along with co-accused Deepa Singh were apprehended by the police party headed by ASI Jarnail Singh on 10.02.2001, while they were going on a scooter. The petitioner was driving the scooter while Deepa Singh was sitting on the

pillion. Deepa Singh was found carrying a rubber tube on his thighs containing illicit liquor. After drawing a sample weighing 180 Mls, the remaining quantity, was found to be 98-3/4 bottles. Upon completion of the necessary formalities of charge-sheet, the challan was filed against the accused and they were charge-sheeted to face the trial in respect of the offence under Section 61 (1)(a) of the Punjab Excise Act, 1914.

3. The investigating officer PW-4 ASI Jarnail Singh has stated in support of the prosecution case and has proved the recovery memo(EX.P-A). The attesting witness to the recovery memo PW-1 HC Teja Singh. PW-2 Constable Sukhbir Singh and PW-3 Head Constable Lakhbir Singh examined by prosecution have also stated in support of case of prosecution as regards link evidence. The witnesses were cross examined at length but nothing substantial could be elicited during the course of their-cross-examination. The trial court consequently held both the accused guilty for having committed offence punishable under Section 61 (1)(a) of the Punjab Excise Act, 1914 and imposed a sentence of rigorous imprisonment for one year along with fine of Rs.1,000/- Both the accused challenged the said judgment dated 11.01.2005 passed by the learned JMIC, by way of filing an appeal but the same was dismissed on 11.2.2006 which has led to filing of the present petition.
4. I have heard learned counsel for the petitioner as well as the learned counsel representing the State and have carefully gone through the record of the case. I do not find any infirmity in the finding as regards the conviction of the petitioner-Parkash Singh. Even otherwise, the learned counsel for the petitioner has not assailed the finding as regards the conviction and has

confined his contentions to reduction of the sentence only.

5. Finding no infirmity in the impugned judgment, the conviction of the petitioner-Parkash Singh is upheld.
6. Custody certificate in respect of the petitioner-Parkash Singh has been filed by the State counsel today in Court and the same is taken on record. I find that the petitioner has already undergone 02 months and 01 day out of his total awarded sentence of 01 year. He has been facing incarceration of trial since the last about 16 years. In these circumstances the sentence of imprisonment as imposed by the trial Court and upheld by the lower appellate Court is reduced to the period of imprisonment already undergone. The sentence of fine is however, enhanced to Rs. 5,000/-. The petition accordingly stands dismissed with the aforesaid modification in the sentence.

July 05 2017
pankaj

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No