

203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 2278 of 2009 (O/M)

Date of decision : 14.11.2017

Sanjeev Kumar Revisionist

Versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Narinder Singh, Advocate, for revisionist.
Mr. R.K. Makkad, DAG Haryana.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

Present revision is against judgment dated 25.8.2009, passed by the learned Additional Sessions Judge, Kurukshetra, affirming the judgment of conviction dated 22.1.2008 and order of sentence dated 25.1.2008, passed by the learned Additional Chief Judicial Magistrate, Kurukshetra, vide which revisionist was convicted under Section 486 IPC and was sentenced to undergo rigorous imprisonment for eight months and to pay a fine of Rs. 2,000/-, in default of payment of fine, to undergo further simple imprisonment for two months.

Heard. The lower Court file perused.

The allegations against present revisionist are that revisionist was running a shop in the name and style of M/s Siri Krishna Agency. He used to purchase loose tea at low price. He also purchased loose washing powder and thereafter packed the same in fake wrappers of different tea companies and Fena Detergent company and sold the same at higher rate. The police having got the secret information, deputed HC Narender Singh to purchase four packets of tea of 250 grams each. After joining the Tehsildar, the raid was conducted. HC Narender Singh had already purchased four

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packets of Super Shakti tea of 250 grams each. Then the search of shop and godown, owned by revisionist, was conducted, on which 1589 polybags of different companies, namely, Black Rose tea, Good Rick Tea Company Assam India, Taro Taja Tea Company, Assam India, Good Rick Fine Strong tea, Sangam Tea Company, Super Shakti Tea and Fena Blue Detergent Powder were recovered. One bag containing 40 kg detergent powder, 19 big bags of loose tea leaves and one stitching machine were also recovered.

The independent witness Tehsildar had appeared to support the case of prosecution. The packet of Fena Detergent was sent to laboratory. Amit Gupta, Assistant General Manager, from Fena Detergent Powder appeared and stated that these wrappers are fake.

After going through the evidence, I am of the view that there is no illegality or infirmity in the findings recorded by both the Courts below. Accused was found in possession of loose tea and loose detergent powder alongwith fake wrappers of different companies, in which loose and inferior quality of tea and detergent powder was to be packed. A stitching machine was also found. The inferior quality of tea was purchased by HC Narender Singh, who also appeared to support the case. Therefore, there is no illegality or infirmity in the findings recorded by two Courts below. Keeping in view the nature of offence, there is no ground to reduce the sentence as well. Hence, revision is dismissed. Let revisionist, who is on bail, be rearrested and be sent to jail to undergo the remaining part of sentence.

(KULDIP SINGH)
JUDGE

14.11.2017
sjks

Whether speaking / reasoned	:	Yes
Whether Reportable	:	No