219 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.1267 of 2017 (O&M)
Date of decision : August 03, 2017

Sanjay .... **Petitioner**

Versus

State of Punjab .... **Respondent**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Navneet Jindal, Advocate for the petitioner.

Mr. C.L. Pawar, Sr. DAG, Punjab.

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 ?

KULDIP SINGH J. (ORAL)

Learned counsel for the petitioner presses the present revision petition only on the point of quantum of sentence.

Custody certificate of the petitioner has been filed in the Court today and the same is taken on record.

Heard.

In this case, the allegations against the petitioner are that on 21.06.2013, he was found in possession of 15 cases of liquor make Shokeen Santra meant for sale in Chandigarh only at T-Point of Jagatpura, falling in the State of Punjab, adjoining to Chandigarh, which is contravention of Punjab Excise Act, 1914. The learned Chief Judicial Magistrate, S.A.S. Nagar, Mohali, vide judgment of conviction and order of sentence dated 01.12.2015 convicted the petitioner for the commission of offence punishable under Section 61(1) (a) of Excise Act, 1914 and sentenced to undergo rigorous imprisonment for one year and to pay a fine of ₹10,000/-, in default thereof to undergo further imprisonment for three months. The appeal against the said judgment was dismissed by the learned Addl. Sessions Judge, S.A.S. Nagar, Mohali, vide judgment dated 22.03.2017.

As per custody certificate dated 03.08.2017 filed today in Court, the petitioner has already undergone the actual sentence of 4 months and 26 days. Another case under the Excise Act, 1914 is also shown to be pending against him. The allegations against the petitioner are that he was in possession of country made licit liquor, which was meant for sale in Chandigarh only and not for sale in Punjab.

Considering the facts and circumstances of the case, I am of the view that since the liquor was licit and the allegations are only of evasion of the sale tax payment on the liquor in Punjab and fine of ₹10,000/- has already been imposed upon the petitioner, there is some scope for leniency in quantum of sentence. Therefore, the substantive sentence of rigorous imprisonment for one year awarded for the commission of offence punishable under Section 61(1)(a) of the Excise Act, 1914 is reduced to rigorous imprisonment for six months. However, the remaining part of the sentence is maintained.

With the abovenoted modification, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

August 03, 2017
sarita

Whether speaking / reasoned Yes
Whether Reportable: No