

116 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 3028 of 2017 (O/M)

Date of decision : 30.8.2017

Pinka

..... Revisionist

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. G.S. Bal, Senior Advocate, with,
Ms. Manjeet Kaur Singhal, Advocate, for revisionist.

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 the judgment dated 4.8.2017, passed by the learned Additional Sessions Judge, Gurdaspur, affirming that of the learned Judicial Magistrate 1st Class, Batala, vide which revisionist was convicted under Section 61 (1) (c) of the Punjab Excise Act and was sentenced to undergo rigorous imprisonment for one year and fine of Rs. 5,000/-.

Heard.

The perusal of the facts shows that the raid was conducted by a police party. Accused was found feeding a fire under working still. The still was dismantled and colled down. 600 kg of lahan in total and 19 bottles of 750 ml and one bottle of 570 ml were recovered from the spot. The components were also taken into possession. The police officials stood by their statements. The lahan was tasted by Sushil Kumar (PW4) and he reported that it was lahan and fit for distilling of illicit liquor.

The learned senior counsel for revisionist contends that the lahan has been sent for chemical analysis.

I am of the view that lahan can be tested by taste and it cannot

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be said that Sushil Kumar (PW4) from the experience could not make out that it is lahan. Moreover, the police party found that the illicit liquor was being distilled.

The learned senior counsel for revisionist contends that report of chemical examiner regarding illicit liquor is not there. Even without that, it is proved that accused was working on the still. It being so, there is no illegality or infirmity in the findings recorded by both the Courts below.

The sentence imposed by the lower Court is minimum sentence provided for the offence. Therefore, there is no ground to interfere in the quantum of sentence also.

Keeping in view the fact that a lot of deaths take place due to illicit liquor/hootch, there is no ground to release the accused on probation also. It being so, revision of present revisionist is dismissed.

At this stage, the learned senior counsel for revisionist has stated that the marriage of daughter of revisionist is fixed for 10.9.2017, therefore, jail authorities may be directed to release him on parole to attend the marriage.

After considering the said submission, revisionist is directed to move to the jail authorities for parole on the said ground alongwith adequate proof and let the jail authorities decide the same within one week in accordance with law. Copy of this order be given to the learned senior counsel for revisionist under signatures of Bench Secretary of this Court.

(KULDIP SINGH)
JUDGE

30.8.2017
sjks

Whether speaking / reasoned	:	Yes
Whether Reportable	:	No