

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Criminal Revision No. 669 of 2009 (O&M)

Date of decision: 19.7.2018

Jagtar Singh

.. Petitioner

VS

State of Punjab

.. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: None for the petitioner.

Mr. P. P. S. Thethi, Additional Advocate General, Punjab.

Rajesh Bindal, J.

Petitioner having been convicted for commission of offence under Section 61(1)(a) of the Punjab Excise Act, 1914, by the trial court and directed to undergo rigorous imprisonment for a period of one year and to pay a fine of ₹ 1,000/-, filed appeal before the learned Additional Sessions Judge, where the same was upheld. He filed the present petition against both the orders.

As per the custody certificate available on record, the petitioner has undergone actual imprisonment of three months and five days. The recovery from him was shown to be 41 bottles of 750 Mls each and one bottle 570MLs., which were being carried on by him in a gunny bag on his head. But the record suggests that the conviction was on the basis of evidence produced by the prosecution, however, without joining any independent witness, though the petitioner was apprehended on the link road, which was a public place.

Be that as it may, considering the aforesaid fact where out of one year sentence awarded to the petitioner, he has already undergone actual imprisonment of three months and five days, the present petition is accepted to the extent that the conviction of the petitioner is upheld, however, the sentence awarded to the petitioner is reduced to the period already undergone.

The petition stands disposed of accordingly.

19.7.2018
vs

(Rajesh Bindal)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No