

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

Criminal Revision No. 6 of 2010 (O&M)

Date of decision: 19.7.2018

Baggu Singh

.. Petitioner

VS

State of Punjab

.. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: None for the petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

Rajesh Bindal, J.

Petitioner having been convicted for commission of offence under Section 61(1)(c) 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 fine of ₹ 5,000/-, 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 two months and twenty days. The recovery was shown to be drum boiler containing 80 kg lahan and a tin containing illicit liquor, which on measurement came out to be 5 bottles of 760 mls each, after taking sample of 180 mls.

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 two months and twenty 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 as case is about two decades old.

The petition stands disposed of accordingly.

19.7.2018
vs

(Rajesh Bindal)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No