

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

CRR-4226-2017

Date of decision: 18.07.2018

M/s Bhola Motor Garage & anr.

.... Petitioners

vs.

Punjab Pollution Control Board

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. N.K.Verma, Advocate
for the petitioners.

Mr. Aman Verma, Advocate
for the respondent.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner challenging the judgment/order dated 03.11.2017 passed by Addl. Sessions Judge, Ludhiana whereby his appeal against the judgment and order dated 06.10.2016 passed by Chief Judicial Magistrate, Ludhiana was dismissed and his conviction under Section 44 of Water (Prevention and Control of Pollution) Act, 1974 was upheld.

The present criminal case was initiated by Punjab Pollution Control Board, Patiala alleging that the present petitioner was running a motor garage at Doraha, District Ludhiana. In the said motor garage, water was used for services of vehicles, however, necessary permission was not obtained from the Pollution Control Board.

Considering the evidence led on file and arguments of the parties, Chief Judicial Magistrate convicted the present petitioner under Section 44 of Water (Prevention and Control of Pollution) Act, 1974 for

violation of Section 25 of the Act. The punishment of one year and six months of imprisonment was imposed upon the petitioner along with a fine of Rs.5,000/-.

The above said order of conviction was challenged by way of appeal before Addl. Sessions Judge, Ludhiana. The appeal was also dismissed. Therefore, the present petition has been filed before this Court.

At the very outset, learned counsel for the petitioner submits that out of total sentence of one year and six months, the petitioner has undergone imprisonment for a period of 8 months. Learned counsel for the petitioner submits that he does not intend to contest the petition on merits of the case. He is restricting his revision petition only to the extent of quantum of punishment. Further argument of learned counsel for the petitioner is that the petitioner is the first offender and therefore, the punishment be considered for reduction to the extent of the sentence already undergone by the petitioner.

Learned counsel for the respondent does not dispute the fact that the petitioner has already undergone more than 8 months of imprisonment out of total punishment awarded to him. However, it is submitted that the petitioner be put to an undertaking that he will not commit the same offence again when he comes out from the custody in the present case.

Keeping in view the above, this Court finds it appropriate and justified to accept the submission made by learned counsel for the petitioner. Accordingly, it is ordered that the sentence awarded to the petitioner in the present case is reduced to the sentence already undergone by him. The petitioner shall be released from the custody forthwith.

However, it is made clear that if the petitioner intends to further operate the motor garage, then necessary permission from the Board would be obtained by him.

With these observations, the present petition is disposed of.

18.07.2018
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No