

In the High Court of Punjab and Haryana at Chandigarh

219

CRR-1592-2008 (O & M)
Date of Decision: 24.07.2019

BHOLA SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Mayur Karkara, Advocate for the petitioner.

Ms. Sudipti Sharma, Addl. AG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the judgments of the Courts below whereby he has been convicted under Section 61/1/14 of the Punjab Excise Act, 1914 and sentenced to undergo imprisonment for a period of one year.

Learned counsel for the petitioner contends that the allegations against the petitioner are that working still and 9 bottles of illicit liquor were recovered from him. He states that there is no independent witness to the recovery. He also contends that he is not challenging the conviction of the petitioner and would confine his prayer in this petition to reduction in the quantum of sentence to the period already undergone. The petitioner is facing the agony of protracted criminal proceedings for over 15 years as the incident took place on 10.08.2004. He is not involved in any other case.

Learned State counsel has filed the custody certificate which is taken on record. It indicates that the petitioner has undergone total sentence of 01 month and 13 days.

Heard.

The petitioner had been convicted under Section 61/1/14 of the Excise Act and sentenced to undergo imprisonment for a period of one year. The petitioner is facing the agony of protracted criminal proceedings for over 15 years. He is not involved in any other case. There is no independent witness to the recovery. The petitioner has undergone sentence of 01 month and 13 days.

It would, therefore, be in the interest of justice, if the sentence of the petitioner is reduced to the period already undergone by him.

Consequently, while maintaining the conviction, the sentence of the petitioner is reduced to the period already undergone by him.

With this modification, the petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

July 24, 2019
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No