

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

209

CRR-1755-2008 (O&M)

DATE OF DECISION: 05.07.2019

JAGDISH SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Arun Takhi, Advocate for the petitioner(s).

Ms. Sudeepti Sharma, DAG, 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) (a) of the Punjab Excise Act, 1914 in FIR No.207 dated 07.10.2001 and sentenced to undergo rigorous imprisonment for a period of nine months along with a fine of Rs.2000/-.

Learned counsel for the petitioner contends that the allegations against the petitioner are that 15 boxes of Indian made foreign liquor was recovered from a car. The petitioner was not apprehended from the spot and he was arrested later on. Learned counsel states that he is not challenging the conviction and would confine his prayer to the quantum of sentence which may be reduced to the period already undergone by him. He submits that the petitioner is a poor person and the sole bread winner of his family.

Learned State counsel has filed the custody certificate, which indicates that the petitioner has undergone total sentence of 5 months and 13 days out of the sentence of 9 months.

Heard.

The petitioner is a poor person and the incident is of the year 2001. He has, thus, faced protracted criminal proceedings for about 18 years. He has undergone total sentence of about 5 ½ months out of total sentence of 9 months. 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.

05.07.2019

(ANUPINDER SINGH GREWAL)
JUDGE

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No