

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

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**CRR-2413-2008 (O&M)
DATE OF DECISION: 16.07.2019**

MOHARSI

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Gautam Dutt, Advocate
for the petitioner(s).

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the judgments and order of the Courts below whereby he has been convicted under Section 61 (1)(a) of the Punjab Excise Act and sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.1,000/-, in default thereof to further undergo rigorous imprisonment for 7 days.

Learned counsel for the petitioner states that he is confining his prayer in this petition to the sentence which may be reduced to the period already undergone. He further states that the allegations against the petitioner are that Indian made foreign liquor and country made liquor were recovered from him. He could not produce any permit or licence for possessing the same. The petitioner has undergone total sentence of over 1 month out of the sentence of six months. He is not involved in any other case. There is no independent witness to the recovery which has effected near market place.

Learned State counsel has referred to the custody certificate which is already on record. This certificate, which was issued on 18.03.2019,

indicates that the petitioner had undergone total sentence of 1 month and 14 days.

Heard.

The allegations against the petitioner are that Indian made foreign liquor and country made liquor were recovered from him. There is no independent witness to the recovery. The petitioner is facing protracted criminal proceedings since 2001 and he is not involved in any other case. The petitioner has undergone sentence of 1 month and 14 days out of the total sentence of six 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.

16.07.2019

SwarnjitS

(ANUPINDER SINGH GREWAL)
JUDGE

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