

CRR-1885-2009 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRR-1885-2009 (O&M).
Decided on : September 19, 2019.**

Gurdev Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

*** * ***

**PRESENT Mr.G.S.Jaswal, Advocate, for
for the petitioner.**

Mr.Bhupinder Beniwal, AAG, Punjab.

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ANIL KSHETARPAL, J. (ORAL)

Petitioner, a convict, is in revision petition against the judgment of conviction and order of sentence passed by the Judicial Magistrate First Class, Jalandhar vide judgment dated 3.6.2008, affirmed in appeal by the Additional Sessions Judge, Jalandhar, vide judgment dated 11.7.2009. Petitioner was sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.500/-.

As per the case of the prosecution, the petitioner was found in possession of 120 bottles of Dollar XXX Rum, but could not

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produce any licence or permit, on 16.9.2002. It is not the allegation of the prosecution that the aforesaid bottles of Dollar XXX Rum were not tax paid in the State of Punjab. In other words, the case of the prosecution is that he was carrying a quantity much above the permissible limits and that also without licence.

As noted above, the incident is of 2002. 17 years have elapsed. As per custody certificate dated 18.9.2019, placed on record, the petitioner has already undergone imprisonment for a period of 1 month and 7 days. Petitioner was granted concession of bail on 10.8.2009. Even thereafter, 10 years have elapsed. There is no material available to prove that the petitioner has any previous criminal history or he is involved in any other case after he was released on bail.

Keeping in view the facts of the case, the sentence of imprisonment awarded to the petitioner is reduced to the period already undergone. However, the fine of Rs.500/- is increased to Rs.25,000/- (Rupees Twenty Five Thousand Only). Let, the increased fine be deposited with the Government treasury within a period of two months.

The petition is disposed of.

(ANIL KSHETARPAL)
JUDGE

September 19, 2019.
raj arora

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No