

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

**CRR No.488 of 2010 (O&M)
DATE OF DECISION:-16.01.2019**

RAJPAL

...PETITIONER...

V.

STATE OF HARYANA

...RESPONDENT...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Vijay Singh Kajla, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

The instant revision has been preferred by the petitioner against judgment dated 06.02.2010, of learned Additional Sessions Judge, Fatehabad, affirming the judgment of conviction dated 17.07.2007 and order of sentence dated 18.07.2007 of learned Judicial Magistrate Ist Class, Fatehabad, whereby, he was held guilty under Section 61 of the Excise Act (for short, "Act").

In nutshell, petitioner was booked, tried, convicted in case FIR No.168 dated 24.03.2002, under Section 61 of the Act, Police Station Sadar, Fatehabad and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.100/-. In default of payment of fine, to further undergo rigorous imprisonment for seven days.

At the very outset, learned counsel for the petitioner contends

that he does not challenge the impugned judgment dated 06.02.2010 of the appellate court and judgment/order dated 17.07.2007/18.07.2007 of the trial court qua holding the petitioner guilty under Section 61 of Act. However, he prays for some leniency in the matter of his sentence.

As per custody certificate dated 14.01.2019, the petitioner has undergone 6 months and 5 days, out of the total sentence of 1 year. The petitioner has already faced protracted trial for around 17 years. As per latest custody certificate dated 14.01.2019, the petitioner was not found involved in any other criminal case thereafter.

Moreso, at the time of commission of alleged offence, the petitioner was around 33 years of age. Thereafter, 17 years more have passed. Therefore, by this time, the petitioner must be around 50 years of age, having grown up children, multifarious and social obligations to fulfill.

Accordingly, the impugned judgments of conviction passed by the courts below are upheld. The revision, to this extent, is dismissed. However, considering the custody period of the petitioner, order of sentence dated 18.07.2007 is modified to the extent that sentence awarded to the petitioner is reduced to the period already undergone.

Present revision petition is disposed of as such.

16.01.2019

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(RAMENDRA JAIN)
JUDGE

whether speaking/reasoned:

Yes/No

whether reportable:

Yes/No