

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-1087-2016 (O&M)

Date of decision: 13.01.2020

Jagmal Singh

..... Petitioner

Versus

State of Punjab

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Vishwajit Bedi, Advocate for the petitioner.

Mr. Pawan Sharda, Sr.DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this revision, petitioner-accused had laid challenge to judgment dated 16.02.2016 of Ist Appellate Court, whereby his appeal against judgment of conviction and order of sentence dated 04.07.2014 of trial Court was dismissed.

Briefly, petitioner was booked and tried in case FIR No. 21 dated 11.02.2010, under Section 13-A of the Gambling Act, Police Station Lalru, on the allegations that he was habitual of selling fake lottery tickets on the pretext of original lotteries, after putting number on them. On 11.02.2010, PW-3 ASI Pawan Kumar (Investigating Officer), on the basis of secret information, sent HC Pawan Kumar to purchase a lottery ticket, who by paying a currency note of ₹20/- purchased a ticket from Sai Lotteries at Bus Stand, Lalru. Thereafter, petitioner was apprehended. From his search 7 forged lottery tickets were recovered

along ₹11,500/- including currency note of ₹20/- paid by HC Pawan Kumar.

After holding trial, vide judgment of conviction and order of sentence dated 04.07.2014, petitioner was convicted under Section 13-A of the Gambling Act and Sections 460, 467, 468, 471 IPC and sentenced as under:

<i>Section</i>	<i>Sentence</i>
13-A of the Gambling Act	To undergo simple imprisonment for a period of 2 months and to pay fine of ₹200/-. In default, to further undergo simple imprisonment for 7 days.
420 IPC	To undergo simple imprisonment for a period of 6 months and to pay fine of ₹1000/-. In default, to further undergo simple imprisonment for 1 month.
467 IPC	To undergo simple imprisonment for a period of 6 months and to pay fine of ₹1000/-. In default, to further undergo simple imprisonment for 1 month.
468 IPC	To undergo simple imprisonment for a period of 6 months and to pay fine of ₹1000/-. In default, to further undergo simple imprisonment for 1 month.
471 IPC	To undergo simple imprisonment for a period of 6 months and to pay fine of ₹1000/-. In default, to further undergo simple imprisonment for 1 month.

All the sentences were ordered to run concurrently.

Being aggrieved, petitioner approached Ist Appellate Court, who after hearing both the sides, dismissed his appeal affirming the aforesaid judgment of conviction and order of sentence of the trial Court dated 04.07.2014.

Learned counsel for the petitioner *inter alia* contends that both the Courts below have failed to appreciate that there was need of

independent corroboration to the testimony of police officials. Even decoy customer HC Pawan Kumar, was not examined. The alleged 7 fake lottery tickets recovered from the petitioner did not bear his signatures. Therefore, recovery of same was also not proved beyond any shadow of doubt.

On the other hand, learned State counsel strongly refuting the submissions of learned counsel for the petitioner, pleaded the legality and validity of the impugned judgment.

Having given thoughtful consideration to the rival submissions, this Court finds the instant revision completely devoid of any merit for the reasons to follow:

No question of law much less substantial has been raised in this revision.

This Court, while exercising its revisional powers , very limited jurisdiction, which can only be exercised, (i) when the Courts below have acted beyond jurisdiction vested in them or (ii) have not exercised the same diligently and (iii) have exercised illegally.

Learned counsel for the petitioner has not been able to show any such infirmities in the judgments of both the Courts below.

Testimony of an official witness is also considered equal to the testimony of a private individual. In the instant case, official witnesses were cross-examined at length, but nothing favourable to the petitioner could be elicited from their mouth. Hence, judgments of both the Courts below are upheld.

However, considering the age of petitioner at the time of

crime 62 years in the year 2010 and now he is more than 70 years, his maximum sentence i.e. to undergo simple imprisonment for a period of 6 months is reduced to 4 months simple imprisonment.

Consequently, this revision is dismissed qua conviction of the petitioner. However, sentence of the petitioner is reduced in the manner as narrated above.

Disposed of.

A copy of this order be sent to the Chief Judicial Magistrate, SAS Nagar Mohali, who shall issue warrants of arrest against the petitioner to undergo remaining part of his sentence.

January 13, 2020

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No