

[264] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2503-2023 (O&M)
Date of Decision : 20.02.2024

Labhi Singh @ Lavi ...Petitioner

versus

State of PunjabRespondent

Coram : HON'BLE MR. JUSTICE DEEPAK GUPTA

Present : Mr. Bikramjeet Singh Jatana, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, DAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

- [1] LCR has been received.
- [2] Arguments heard.
- [3] By way of judgment dated 04.05.2017 of learned Judicial Magistrate Ist Class, Mansa, arising out of FIR No.73 dated 06.10.2015 registered at Police Station Bhikhi, petitioner Labhi Singh @ Lavi has been convicted under Section 61(1) (a) of the Punjab Excise Act 1914. Vide a separate order, he was sentenced to undergo rigorous imprisonment for a period of 02 years and also to pay a fine of Rs.2000/-.
- [4] In fact, petitioner along with co-accused Jugraj Singh @ Gaggi had faced trial. However, co-accused Jugraj Singh @ Gaggi expired during trial and so proceedings *qua* him stood abated. The appeal filed by the petitioner was dismissed by the Court of learned Additional Sessions Judge, Mansa on 12.10.2023.

[5] It is against the aforesaid concurrent finding of conviction that the present revision has filed.

[6] Learned counsel for the petitioner contends that the only allegations against the petitioner is regarding the recovery of 252 bottles of country made liquor Mark “*Desi Khasa*”; that petitioner is not involved in any other case prior to this present FIR; that petitioner has already undergone custody period of 04 months and 23 days. He has already paid the fine. Learned counsel prays that petitioner may be sentenced to undergo rigorous imprisonment for the period already undergone by him and that he withdraws the present appeal against the conviction.

[7] Learned State Counsel has no serious objection to the aforesaid prayer.

[8] In view of the aforesaid statement made by learned counsel for the petitioner, the present revision against the concurrent finding of conviction as recorded by the trial Court and affirmed by the Appellate Court, is hereby dismissed as withdrawn.

[9] As far as the order of sentence is concerned, the custody certificate would reveal that petitioner has already undergone custody period of 04 months and 23 days. Though, he is involved in 02 more cases but both of them were registered subsequent to the present FIR. None of those FIRs pertained to the Excise Act.

[10] Looking into the nature of allegations against the petitioner, this Court is of the view that period already spent by the petitioner in custody

shall be sufficient to meet the end of justice. As such, the impugned order sentence is hereby modified. The petitioner is sentenced to imprisonment for the period already undergone by him.

[11] Disposed of.

20.02.2024
'Rajneesh'

(DEEPAK GUPTA)
JUDGE

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