

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

274

CRR-2754-2023 (O&M)
Date of Decision.:02.05.2024

Rajinder Singh @ Munshi @ Gosha
Vs.

Petitioner

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Rakesh Kumar, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

Petitioner was tried by the Court of learned JMIC, Sultanpur, Lodhi in a case arising out of FIR No.03 dated 09.01.2021 registered at Police Station Fattudhinga, Kapurthala and was convicted under Section 61(1)(a)(c) of Excise Act, 1914. He was sentenced to undergo rigorous imprisonment for a period of 02 years and to pay fine of ₹2,00,000/- with default sentence of one month vide judgment dated 23.09.2022.

2. The appeal filed against the aforesaid judgment and order of sentence was dismissed by learned Sessions Judge on 13.09.2023.

3. Before this Court, learned counsel for the petitioner has made a statement today that petitioner does not dispute the impugned judgment of conviction. Learned counsel has limited his prayer to the extent that sentence of the petitioner may be reduced for the period already undergone by him. His further request is to reduce the amount of fine.

4. Learned State counsel has no serious objection.
5. Perusal of the custody certificate would reveal that petitioner has already undergone the custody period of 09 months and 07 days which includes the actual custody period of 08 months and 06 days. It is further revealed that petitioner is not involved in any other criminal case and thus, is the first offender. Allegations against the petitioner for which he has been convicted is recovery of 100 Litres of Lahan from him.
6. Having regard to all the aforesaid facts and circumstances, although the conviction of the petitioner is hereby maintained in view of the statement made by learned counsel but the order of sentence as recorded by the trial Court and affirmed by the Sessions Court, is hereby modified. Petitioner is sentenced to imprisonment for the period already undergone by him and the amount of fine is reduced to ₹50,000/-. On payment of the fine of ₹50,000/- as reduced by this Court, petitioner be released immediately. In case the amount of fine is not paid, petitioner will have to undergo custody period of another two months.

Disposed of accordingly.

(DEEPAK GUPTA)
JUDGE

May 02, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No