



**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH  
122 CRR-415-2025 (O&M)  
Date of decision: 17<sup>th</sup> February, 2025**

Mukesh @ Mukesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Raman Chawla, Advocate for the petitioner.  
Mr. Apoorv Garg, Senior Deputy Advocate General, Haryana.  
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**MANISHA BATRA, J (ORAL):-**

1. The present revision petition has been filed against the judgment of conviction dated 20.10.2023 and order on quantum of sentence dated 21.10.2023, passed by the Court of learned Sub Divisional Judicial Magistrate, Siwani in criminal case arising out of the FIR No. 8 dated 10.01.2021, registered under Sections 61 of Excise Act at Police Station Siwani, whereby the petitioner was held guilty for commission of offences and was sentenced to undergo rigorous imprisonment for maximum six months with default clause of fine; as well as against the judgment dated 07.02.2025, whereby the appeal of the petitioner had been dismissed by the Court of learned Additional Sessions Judge, Bhiwani.

2. Today, learned counsel for the petitioner has made a statement so as not to press the present revision against the judgment of conviction, passed by the trial Court, as well as the judgment passed by the learned Appellate Court. Learned counsel confines his prayer against the order of sentence only. It is further submitted that petitioner is not the previous convict nor any other case is pending against him and so looking into these



circumstances, the sentence of the petitioner may be reduced to the period already undergone by him.

3. Learned State Counsel has no serious objection to the aforesaid prayer. He has filed custody certificate, as per which, the petitioner has already undergone actual sentence of 09 days out of total sentence of six months as awarded by the trial Court and upheld by the learned Appellate Court and he is not involved in any other case.

4. After hearing the counsel for the parties, I uphold the judgments of conviction passed by the Courts below as the same are based on appreciation of prosecution evidence, proving guilt of the petitioner, however, considering the fact that the petitioner has faced the agony of protracted trial and he has already undergone actual sentence of 09 days and is not involved in any other case, which shows that he has improved his character and has joined the mainstream of the society, the order on quantum of sentence dated 21.10.2023 is modified to the extent that the same is reduced to the period already undergone by him. However, the fine imposed upon the petitioner is upheld.

5. Let a copy of this order be sent forthwith to Jail Superintendent as well as the Court concerned for compliance.

6. Since the main petition stands disposed of, pending application, if any, shall also be treated as disposed of.

**[MANISHA BATRA]**  
**JUDGE**

**17<sup>th</sup> February, 2025**

*Parveen Sharma*

1. *Whether speaking/ reasoned*  
2. *Whether reportable*

: *Yes / No*  
: *Yes / No*