

2025:PHHC:020450



(205)

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRR-3115-2009 (O&M)

Date of Decision:-11.02.2025

SUNIL KUMAR

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CRR-3260-2009 (O&M)

RAJESH KUMAR

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CRR-3140-2009 (O&M)

RAVINDER KUMAR @ ASHOK

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Arun Takhi, Advocate
for the petitioner in CRR-3115-2009 and CRR-3260-2009.

Mr. Sanjay Gupta, Advocate
for the petitioner in CRR-3140-2009.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

This order shall dispose of three petitions bearing CRR-3115-
2009 titled as Sunil Kumar Vs. State of Punjab, CRR-3260-2009 titled as
Rajesh Kumar Vs. State of Punjab and CRR-3140-2009 titled as Ravinder

Kumar @ Ashok Vs. State of Punjab as the same are arising out of the same FIR. However, for the sake of convenience the facts have been taken from CRR-3115-2009.

2. The present revision petitions have been filed impugning the judgment dated 31.10.2009 passed by the Addl. Sessions Judge (Ad hoc) Fast Track Court, Hoshiarpur whereby the appeal filed against the judgment of conviction and order of sentence dated 07.01.2006 passed by the Judicial Magistrate, 1st Class, Hoshiarpur Sahib has been dismissed.

3. The FIR in the present case came to be registered on 05.06.2001. The judgment of conviction was passed on 07.01.2006 by the Judicial Magistrate, 1st Class, Hoshiarpur. The appeals filed against the order of conviction was dismissed on 31.10.2009 by the Addl. Sessions Judge (Ad hoc) Fast Track Court, Hoshiarpur. The instant revision petitions were filed on 30.11.2009, 01.12.2009 and 14.12.2009 and have come up for final hearing now i.e. after a period of more than 23 ½ years from the date of registration of the FIR.

4. The brief facts of the case are that the petitioners were apprehended with 10 boxes of liquor make Bagpiper, 04 boxes of liquor make XXX Rum and 16 boxes of liquor make Commando XXX Rum for sale in Chandigarh only. On conclusion of the investigation, the report under Section 173 Cr.P.C. was presented. On culmination of the trial, the petitioners came to be convicted and sentenced as under:-

Offence under Section	Sentence RI/SI	Fine	RI/SI in default of payment of fine
61(i)(a) of Excise Act	RI 01 year	Rs.1000/- each	SI 15 days

5. The accused namely Sunil Kumar (petitioner in CRR-3115-2009), Rajesh Kumar (petitioner in CRR-3260-2009) and Ravinder Kumar alias

Ashok (petitioner in CRR-3140-2009) preferred appeals which came to be dismissed by the Addl. Sessions Judge (Ad hoc) Fast Track Court, Hoshiarpur vide judgment dated 31.10.2009.

6. The aforementioned judgments are under challenge in the present appeals.

7. During the pendency of the instant appeals, the sentence of the accused/petitioners were suspended vide orders dated 01.12.2009, 10.12.2009 and 21.12.2009.

8. The learned counsels for the petitioners at the very outset state that they do not wish to challenge the conviction but pray that the sentence of the petitioners be reduced to the period already undergone by them as the FIR was registered way back on 05.06.2001.

9. The Counsel for the State on the other hand has filed custody certificates of the accused/petitioners dated 10.02.2025 and the same is taken on record. He contends that as the offence stands established beyond reasonable doubt, the petitioners were not entitled to reduction of their sentences.

10. I have heard the learned counsel for the parties.

11. A perusal of the record would reveal that the petitioners were found in possession of 10 boxes of liquor make Bagpiper, 04 boxes of liquor make XXX Rum and 16 boxes of liquor make Commando XXX Rum for sale in Chandigarh only. The prosecution witnesses have deposed consistently as to the manner in which the recovery came to be effected. Mere absence of an independent witness would not falsify the prosecution case. Even otherwise, the petitioners have not sought to challenge their conviction.

12. In view of the above, I find no infirmity in the judgments of the Trial Court as well as of the Lower Appellate Court. Therefore, the present

revision petitions stand dismissed.

13. As regards imposition of sentence, admittedly, the occurrence pertains to the year 2001 and as many as 23 ½ years have passed ever since then. Therefore, the sentence of the accused/petitioners is reduced to the period already undergone by them i.e. 01 month and 2 days, 01 month and 24 days and 01 month and 22 days respectively. However, the fine amount and the sentence in default of payment of the fine shall remain intact.

14. The present revision petitions stand disposed of in the above terms.

(JASJIT SINGH BEDI)
JUDGE

11.02.2025

Jitesh

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