



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRR No.1227 of 2011 (O&M)
Date of Decision :11.11.2025

Ashok Kumar Shoki

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present : Mr. Esh Gupta, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Section 61 of Punjab Excise Act, the FIR No.196 dated 18.08.2004 was lodged in police Station City Hoshiarpur, with regard to above mentioned FIR the petitioner was sent to face trial before the Court of learned Judicial Magistrate, hereinafter being referred to as ‘learned trial Court’ only. After trial the learned Court of Judicial Magistrate held the petitioner guilty for the commission of above mentioned offence by, virtue of judgment of conviction dated 15.01.2009, and on the same day by virtue of order on quantum of sentence awarded following sentence to the petitioner:-

Offence	Imprisonment	Fine	In default of payment of fine
61 of Punjab Excise Act	Rigorous imprisonment for 1 year	Rs.2,000/	Rigorous imprisonment for 1 month

2. Aggrieved of the above mentioned judgment of conviction and



order of sentence, the petitioner preferred an appeal in the Court of learned Sessions Judge, Hoshiarpur, hereinafter being referred to as 'learned Appellate Court'. However, the appeal preferred by the petitioner did not find favour in the appellate Court and by virtue of judgment dated 13.05.2011 the same has been dismissed.

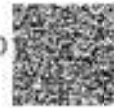
3. Briefly stating the facts emerging from record are that the FIR of this case came into being when a canter bearing registration No.HR-38B-9324 was intercepted by a police party headed by ASI Bhupinder Singh on 18.08.2024 near Dhobi Ghat, Hoshiarpur.

4. As per prosecution when the driver of the canter fled from the spot and when the search of above mentioned vehicle was conducted 5 boxes of factory made liquor i.e. 3 boxes of brand Officers Choice and 2 boxes of brand 'Old Fox Matured XXX Rum' were recovered. It is the case of the prosecution that as the driver of the abovesaid vehicle fled from the spot the above mentioned liquor was seized the FIR was lodged, and the investigation was taken up. As per prosecution during the course of investigation the whereabouts of driver of canter were tracked, and thus, the petitioner was prosecuted.

5. Heard.

6. At the threshold itself, it has been contended by learned counsel for the petitioner that he has instructions not to press the appeal with regard to judgment of conviction and that qua above mentioned component the present appeal may be dismissed.

7. In view of above mentioned submissions of learned counsel for the petitioner as the present appeal is not being pressed qua the judgment of conviction, the same is hereby **dismissed**, as a result thereof, the judgment of



conviction passed by the learned trial Court, and duly affirmed by learned Appellate Court and the learned Appellate Court upheld the same.

8. Heard.

9. The learned counsel for the petitioner has argued that in the present case the petitioner has been awarded a harsh punishment, as for being in possession of 5 boxes of liquor meant for sale in Chandigarh, he has been sentenced to undergo sentence for a period of 1 year. According to learned counsel for the petitioner the petitioner has already undergone sentence for a period of more than 2 months i.e. since 13.05.2011 (when appeal was dismissed and the petitioner was taken into custody) till 19.07.2011, (when the sentence was suspended by this Court). The learned counsel for the petitioner has urged that sentence awarded to the petitioner may be restricted to the period he has already undergone.

10. Per contra, the learned State counsel has argued that the nature of offence committed by the petitioner warrants a lenient view, and that, in fact, the allegations against the petitioner are for being in possession of liquor meant for sale in Chandigarh, without any permit or licence. According to learned counsel for the petitioner the revision petition qua quantum of sentence has got no merit and deserves dismissal.

11. The record has been perused carefully.

12. A careful perusal of record shows that the offence allegedly committed by the petitioner is triable by the Court of Judicial Magistrate only and a sentence for a period of more than 2 months has already been undergone by the petitioner. In my opinion, the sentence already served by the petitioner in itself is sufficient to meet the ends of justice.

13. In view of above mentioned observations it is hereby held that the



contention raised by learned counsel for the petitioner to restrict the sentence for the period the petitioner has already undergone in this case, and deserves to be accepted has got merit. Thus qua the above mentioned component the revision petition preferred by the petitioner is hereby **accepted** and by modifying the judgment passed by the learned trial Court on the point of quantum of sentence, the sentence awarded to the petitioner is restricted to the period he has already undergone.

14. With the above mentioned observations the present petition stands partly allowed, accordingly.

15. Pending miscellaneous application(s), if any, also stands disposed of.

(SURYA PARTAP SINGH)
JUDGE

11.11.2025
Manoj Bhutani

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