



**201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR-862-2014

Date of decision: 22.05.2025

Rustam @ Russi

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. P.K. Bansal, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition has been preferred against the judgment dated 21.02.2014 passed by the learned Additional Sessions Judge, Ferozepur, whereby, the judgment of conviction and the order of sentence dated 16.07.2011 passed by learned Additional Chief Judicial Magistrate, Ferozepur, have been upheld, in the case stemming from FIR No.361 dated 12.11.2003 under Section 61(1)(c) of Punjab Excise Act, 1914, registered at Police Station Sadar Ferozepur.

2. The petitioner was convicted and sentenced under Section 61(1)(c) of Punjab Excise Act, 1914 and was ordered to undergo rigorous imprisonment for a period of 01 year and to pay a fine of Rs.5,000/- along with default mechanism.

3. In compliance of the order dated 15.05.2025 passed by this Court, the learned State counsel has filed status report by way of affidavit of Sh. Sukhwinder Singh, PPS, Deputy Superintendent of Police (City), District Ferozepur, on behalf of the respondent-State and the same is taken on record.



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The learned State counsel further submits that the present petition has become abated as the petitioner who is the accused in this case had died four years ago.

4. In view of the judgment rendered by this Court in *Shivji Ram @ Dimple Vs. State of Punjab, 2023(1) RCR (Criminal) 738* as well as Full Bench judgment of the Kerala High Court in *Pazhani S/o Chami Vs. State of Kerala, 2017(1) RCR (Criminal) 1045*, the present revision petition is disposed of as abated with the following directions:

- (i) The State exchequer shall be at liberty to recover the fine amount by adopting due process of law.
- (ii) If the State chooses to start recovery process of the amount of fine from the estates of the deceased petitioner, a valid notice in this regard would be served upon his legal heir(s), who have a vested right in the said estates.
- (iii) If any such legal heir(s) or any interested person(s) are aggrieved with the process of recovery of fine, they may move an appropriate application before this Court seeking revival of the present revision petition. However, this exercise must be done within a period of 30 days from the date of receipt of such notice.
- (iv) Such legal heir(s) or any interested person(s) would also be at liberty to deposit the total amount of fine, which is subject matter of the appeal, in the office of concerned authority.
- (v) If revived, the revision petition shall be heard on merits.

5. All the pending miscellaneous application(s), if any, shall stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

22.05.2025

Neha

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