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

CRR-1158-2009 (O&M)

Date of Decision: 06.04.2026

Lahori Ram and another

...Petitioners

VS.

State of U.T., Chandigarh

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Ms. Manveen Kahlon, Advocate (Amicus Curiae)
for the petitioners.

Mr. J.S.Toor, Sr. Advocate with
Mr. Jasbir Singh, Advocate
for U.T., Chandigarh.

N.S.Shekhawat J. (Oral)

1. The petitioners have filed the present revision petition against the impugned judgment dated 18.04.2009 passed by the Court of Additional Sessions Judge, Chandigarh and the judgment of conviction and order of sentence dated 14.03.2006 passed by the Court of Judicial Magistrate 1st Class, Chandigarh, whereby the petitioners were convicted for the commission of offence punishable under Section 7 of the Essential Commodities Act and were sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.500/- each alongwith default stipulation.

2. The brief facts of the case are that Gian Chand, Inspector Food and Supplies, U.T., Chandigarh along with Kanshi Ram and H.R. Kalia, Inspector Food & Supplies, U.T, Chanidgarh were on a routine check up at Village Kajhei on 27.08.2003 under the direct supervision of Assistant Food & Supplies Officer Sh. Kamal Kailash. At about 2.35 p.m., they spotted tow rickshaw



rehries carrying 14.2 Kgs. LPG domestic Indian Oil Company cylinders at Kishan Complex in village Kajheri. One of the rehri bearing No. SF-18203 was being driven by Sh. Lahori Ram carrying six LPG cylinders bearing Nos. 74359E, 182450, 122157E, 722375, 324983T and 179616. The second rehri bearing No. SF 222444 of Neelam Mark was being driven by Ram Asre accused. That rehri was also carrying six LPG Cylinders of Indian Oil Company of 14.2 Kgs. domestic cylinders bearing Nos. 082789T, 189039, 525474E, 1797698, 304530 and 040373-S. Out of these cylinders two were filled/sealed bearing No.324983-T and 12275E. As per complainant, both delivery men were supplying LPG domestic (India Oil Company) Cylinders without delivery memo to other than consumers of village Kajheri, which is an offence under the provisions of LPG Control Order 2000, issued under the Essential Commodities Act, 1955. This report is Ex. PW1/B. It was made to SHO, Police Station, Sector 36, Chandigarh. On this report, Dilsher Singh, SI made endorsement Ex. PW5/A, whereupon formal FIR Ex. PW5/B was recorded by Ishwar Singh SI. SI/SHO along with C. Bajinder Singh was present near Kajheri Chowk on patrol duty and checking of crime. On 27.08.2003, when he received a wireless message from MHC, PP Sector 61, Chandigarh that Inspector Foods & Supplies, Sh. Gian Chand had caught Gas Cylinder rehries near Kissan Complex, Village Kajheri and further that they were calling some police officer at the spot. On this information, SI along with constable had reached the spot. He had also called the other police officers through wireless message. Thereafter, Gian Chand, Inspector, Food and Supply produced before police both the aforesaid rehries along with gas cylinders as well as both the accused. Both the rehries and the gas cylinders were taken into possession vide



memo Ex. PW-1/E. Gas cylinders are Ex.P-1 to Ex.P-12, whereas, rehries are Ex.P-13 and Ex. P14. Accused were arrested, vide memos Ex. PW-1/C and Ex. PW1/D. An application (Ex. PW5/C) was moved for obtaining the notification. In pursuance with this application, notification (Ex. PW1/A) and order dated 15.11.2000 (Ex. PWI/F) were handed over to the police. Rough site plan of the spot (Ex. PW5/D) was prepared at the instance of Gian Chand. SHO, Police Station Sector 36, Chandigarh authorized SI Dilsher Singh, Incharge/Insp. P.P. 61, Chandigarh to investigate the matter, vide authorization letter Ex. PW5/E. Statements of witnesses were recorded.

3. After completion of investigation, challan was presented before the trial Court. The trial Court found that a *prima facie* case under Section 7 of Essential Commodities Act was made out against the petitioners and they were ordered to be charge-sheeted, accordingly. They pleaded not guilty and claimed to be tried by the trial Court.

4. The prosecution in support of its case examined Gian Chand, Inspector, Food & Supplies appeared as PW-1 and proved on record notification (Ex.PW1/A), complaint (Ex. PW1/B), arrest memos accused (Ex. PWI/C and Ex. PW1/D) and recovery memo (Ex. PW1/E) of 12 cylinders. PW-2, Kanshi Ram, another Inspector Grade-II, Food & Supplies, U.T., Chandigarh fully corroborated the version of PW-1, HC Tikka Singh appeared as PW-3 and proved the entry in register No.19 as Ex. PW-3/A and Ex. PW3/A-1. PW4 Narinder Kumar, Inspector Food & Supplies, UT, Chandigarh corroborated the statement of PW-1 & PW-2 and SI Dilsher Singh, Investigating Officer of the case proved the investigations carried out by him in the present case and thereafter, the prosecution evidence was closed.



5. After closure of the prosecution evidence, the statements of the petitioners under Section 313 Cr.P.C. were recorded and all the incriminating circumstances were put to them. However, they denied all allegations and pleaded false implication in the present case. In their defence, the accused tendered one receipt dated 30.03.2003 regarding purchase of two rehries as Mark-A and one application for release of rehries involved in this case, on supardari as Mark-B.

6. At the very outset, learned counsel for the petitioners submits that he does not wish to challenge the judgments of conviction passed against the petitioners by both the Courts, however, some leniency may be shown, while awarding the sentence on them. Even though, learned counsel for the petitioners has not challenged the judgments of conviction, still this Court has examined the entire case on merits in the light of the evidence led by the prosecution.

7. Learned State counsel contended that the petitioners do not deserve any concession regarding sentence and the present revision petition be dismissed.

8. I have heard learned counsel for the parties and perused the record carefully.

9. In the present case, the prosecution had examined PW-1, Gian Chand, who proved that the petitioners were apprehended alongwith 12 LPG cylinders loaded on two rehries and on confronting them, they failed to produce any document showing their legal possession over the LPG cylinders. The statement of PW1 was duly supported by the statement of PW-2 Kanshi Ram, Inspector, Food & Supplied, Chandigarh. Still further, the petitioners were not



carrying any lawful authorization on behalf of the Govt. Department and were in possession of the gas cylinders illegally, which was also in violation of notification dated 26.04.2000 (Ex.PW1/A). Thus, the petitioners had committed the offence under Section 7 of the Essential Commodities Act. Even I have carefully perused the findings recorded by the trial Court as well as the Appellate Court and both the judgments call for no interference by this Court and the impugned judgments of convictions are upheld.

10. Now, adverting to the order on quantum of sentence, it is apparent that both the petitioners are facing the agony of trial/appeal/revision since 27.08.2003 i.e. for the last more than 22 years. Even, petitioner No.1 is aged about 52 years, whereas, petitioner No.2 is aged about 50 years. Even they are the sole bread earners of their family. Apart from that petitioner No.1 has already undergone 05 months and 12 days of actual custody, whereas, petitioner No.2 has already undergone 01 month and 15 days of actual custody, out of total sentence of six months and they were never involved in any other crime. Even the sentence imposed on the petitioners was suspended by this Court on 14.05.2009 and in the last about 17 years, they have maintained good conduct. Thus, keeping in view of aforesaid mitigating circumstances, the sentence imposed on the petitioners is reduced to the period already undergone by them. However, the amount of fine imposed on them shall remain same.

11. With the above modifications, the present revision petition is partly allowed and the judgment of conviction is upheld, whereas, the sentence imposed on the petitioners is reduced to the period already undergone by them and the amount of fine imposed on them shall remain same.

12. Pending applications, if any, stand also disposed of, accordingly.



13. I record my appreciation for Amicus, who has rendered able assistance to the Court and fee of Amicus Curiae is assessed Rs.20,000/-, which shall be paid by High Court Legal Services Authority, as per rules and practices.

06.04.2026
hemlata

(N.S.SHEKHAWAT)
JUDGE

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