

Criminal Revision No.720 of 1994.

**IN THE HIGH COURT FOR THE STATES OF PUNJAB & HARYANA
AT CHANDIGARH**

...

Date of Decision November 30, 2007.

Gurdev Singh

... Petitioner

VERSUS

State of Punjab

...Respondent

1. Whether the Reporters of Local Newspapers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest ?

CORAM :

HON'BLE MR. JUSTICE MOHINDER PAL.

Present: Mr. Surinder Garg, Advocate,
for the petitioner.

Mr. P.S. Grewal, Assistant Advocate General, Punjab.

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MOHINDER PAL, J.

Petitioner Gurdev Singh was sent up for trial for the offence punishable Section 61 (1) (a) of the Punjab Excise Act on

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the allegation that on August 26, 1989, he was found in possession of 40 bottles of illicit liquor. The Judicial Magistrate Ist Class, Gidderbaha, vide judgment of conviction and sentence dated November 26, 1991, convicted the petitioner under Section 61 (1) (a) of the Punjab Excise Act and sentenced him to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/- and in default of payment of fine to undergo further rigorous imprisonment for a period of four months. Feeling aggrieved against his conviction and sentence order, the petitioner filed appeal before the Court of Session at Faridkot. Vide judgment dated April 21, 1992, the learned Additional Sessions Judge, Faridkot, upheld the judgment of conviction and the sentence order. Hence this revision petition.

2. Learned counsel for the petitioner does not challenge his conviction. He, however, submitted that the occurrence relates to August 26, 1989. After a protracted trial, the petitioner was sentenced on November 26, 1991 by the trial Court and his appeal was dismissed on April 21, 1992. He prayed that keeping in view the fact that the petitioner remained in custody for about four and a half months and the Sword of Damocles remained hanging over his head for more than eighteen years, lenient view may be taken against the petitioner and that the impugned sentence order may be modified.

3. In view of what has been stated above and keeping in view the fact that the petitioner was not a previous convict, as has been observed by the trial Court, I think no useful purpose will be served in sending the petitioner to prison

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again at this stage.

4. Consequently, conviction of the petitioner under Section 61 (1) (a) of the Punjab Excise Act is maintained. However, the sentence of imprisonment is reduced to the one already undergone by him. The sentence of fine shall remain unaltered. The impugned sentence order stands modified to the extent indicated above.

This revision petition stands disposed of accordingly.

November 30, 2007.
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(MOHINDER PAL)
JUDGE