

(1983) 08 P&H CK 0026
In the Punjab And Haryana At Chandigarh
Case No : Criminal Revision No. 842 of 1981

Dulla

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 01-08-1983

Acts Referred:

Citation : (1983) 08 P&H CK 0026

Hon'ble Judges : S.S.Dewan, J

Advocate : G.S. Savra, R.K. Mahajan, Advocates for appearing Parties

Judgement

S.S. Dewan, J.

1. For having been found in possession of one kg. of opium, the petitioner was charged under Section 9 of the Opium Act before the Judicial Magistrate Ist Class, Batala. Finding him guilty, the petitioner was convicted thereunder and sentenced to 9 months rigorous imprisonment and a fine of Rs. 250/ was imposed upon him. On appeal, the learned Additional Sessions Judge, Gurdaspur, in an exhaustive judgment has upheld the conviction and sentence of the petitioner. He has now come up by way of revision.

2. It is unnecessary to recount the facts. The salient features of the case are the admittedly the prosecution witnesses, namely SubInspector Gurmit Singh and Constable Jagtar Singh have not the least animus against the petitioner. Mr. Mahajan, appearing for the petitioner, has not been able to make much dent in the prosecution case. The learned counsel has, however, contended that the prosecution case rests mainly on the official testimony and that in the absence of any, corroboration by a public witness, the conviction cannot be sustained. There is no merit in this contention. By now it has been repeatedly affirmed by their Lordships of the Supreme Court the evidence of the official witnesses has to be weighed in the same scale as any other testimony. The crossexamination directed against the aforesaid two official witnesses has not elicited anything worth the name which can possibly create doubt in the prosecution case and I would, therefore, affirm the findings of the Courts below and accept the

testimony of these witnesses.

3. The learned counsel has prayed for reduction in the sentence. There is marginal scope for reduction in the sentence in view of the fact that the occurrence took place as far back as 1979. I accordingly reduce his sentence of imprisonment to 3 months but impose a fine of Rs. 250/ on him in addition to the fine imposed by the trial Courts as I feel that it would meet the ends of justice. In case of default of payment of fine he shall suffer further rigorous imprisonment for 4 months.

4. With this modification in the sentence, the revision petition fails and is herein dismissed.