
(2009) 03 P&H CK 0223
In the Punjab And Haryana At Chandigarh

Lakhwinder Singh @ Lakha	Vs	APPELLANT
State of Punjab		RESPONDENT

Date of Decision : 26-03-2009

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 173
Punjab Excise Act, 1914 — Section 61

Citation : (2009) 03 P&H CK 0223

Hon'ble Judges : A.N. Jindal, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

A.N. Jindal, J.—Assailed in this petition is the judgment dated 20.3.2003 passed by the learned Additional Sessions Judge, Ferozepur, dismissing the appeal filed by the accused-petitioner Lakhwinder Singh @ Lakha (herein referred as "the petitioner"), against the judgment dated 8.11.2002 passed by the learned Chief Judicial Magistrate, Ferozepur, convicting and sentencing him to undergo rigorous imprisonment for one year and to pay fine of Rs. 5000/-under Section 61 of the Punjab Excise Act (herein referred as "the Act").

2. The factual matrix of the case is that on 21.9.1996, on the basis of the secret information regarding the petitioner indulging into distilling of illicit liquor, ASI Sukhdev Singh sent ruqa to the police station on the basis of which formal FIR was registered. Accordingly, a raid was conducted and the petitioner was found distilling illicit liquor by means of working still. A drum containing 80 kgs of lahan was kept on the hearth. A sample nip measuring 180 mls was separated from the container. On measurement the remaining liquor it was found to be 15 bottles. A drum containing about 150 kgs of lahan was also lying near the working still. The case property was taken into possession vide separate recovery memos. Statement of the witnesses were recorded. On completion of the investigation, a report u/s 173 Cr.P.C. was presented in the Court.

3. The petitioner was charged for the offence punishable u/s 61 of the Act, to

which he pleaded not guilty and opted to contest.

4. Sufficient evidence was led and ultimately, the trial ended in conviction. The appeal preferred by him also failed.

5. Arguments heard. Record perused.

6. Without assailing the judgment of conviction, learned counsel for the petitioner has urged that the petitioner is a first offender and has already undergone one month of the substantive sentence. He further prayed for taking some lenient view on the quantum of sentence.

7. Having examined the impugned judgment, the same sans any illegality much less irregularity resulting into miscarriage of justice. The evidence appears to have been appreciated in the right perspective. Both the courts below have given concurrent findings regarding the guilt of the petitioner. As such, the impugned judgment of conviction is maintained.

8. As regards quantum of sentence, it may be observed that the occurrence took place way back in the year 1996. Keeping in view the longevity of the proceedings and the fact that he has already undergone about one month of the substantive sentence some leniency could be extended to the petitioner.

9. Resultantly, the revision petition is dismissed with the modification in the sentence to the extent that the same is reduced to six months without alteration in the sentence of fine.

10. Copy of the judgment be sent to the learned Chief Judicial Magistrate, Ferozepur for compliance.