
(2010) 05 P&H CK 0002

In the Punjab And Haryana At Chandigarh

Case No : Criminal Appeal No. 1032-SB of 1999

Shiva Sales and Others

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 06-05-2010

Acts Referred:

Essential Commodities Act, 1955 — Section 7
Probation of Offenders Act, 1958 — Section 4

Citation : (2011) 2 RCR(Criminal) 819

Hon'ble Judges : H.S. Bhalla, J

Bench : Single Bench

Judgement

H.S. Bhalla, J.—This appeal is directed against judgment dated 22.10,1999 passed by the Special Judge, Mansa, whereby Appellants were convicted u/s 7 of the Essential Commodities Act, 1955 (for short "the Act") and sentenced them to undergo rigorous imprisonment for a period of two years each with a fine of Rs. 4,000/- each; in default thereof, they were sentenced to further undergo rigorous imprisonment for a period of one month each.

2. Learned Counsel at the outset has contended that he does not challenge the conviction of the Appellants on merit and confines his arguments only on the point of quantum of sentence. learned Counsel further submits that a case u/s 7 of the Essential Commodities Act, 1955 (for short "the Act") was registered in the year 1991. The present Appellants were convicted and sentenced vide judgment dated 22.10.1999 passed by the Special Judge, Mansa. Learned Counsel further submits that during this period the Appellants have been facing mental agony of the trial and a sword of conviction has been persistently hanging over their head since then. Learned Counsel prays that a lenient view be taken against the Appellants in the matter of sentence. learned Counsel has further submitted that keeping in view the facts and mitigating circumstances of the Appellants as also the fact that the Appellants, being the first offenders, be released on probation of good conduct.

3. Since the prayer made by the learned Counsel appearing for the Appellants has been restricted only on the quantum of sentence, therefore, in order to avoid repetition of facts in the judgment herein, I do not consider it necessary to recapitulate the same again, since they have been narrated in the judgment of the court below in details.

4. I have considered the submissions raised by the learned Counsel for the Appellants. It is no doubt true that since the date of registration of the case, the Appellants have been facing mental stress and agony for the last more than 19 years on account of protracted trial and pendency of the appeal before this Court, as also the fact that the Appellants are the first orders and as such, they are entitled to be released on probation of good conduct. In such like circumstances, I am of the view that ends of justice would be amply met if a lenient view in the matter of sentence is taken against the Appellants, in as much as no useful purpose would be served in case the Appellants are sent to jail for serving out the remaining portion of sentence awarded by the court below. Accordingly, I direct that conviction recorded against the Appellants u/s 7 of the Act shall be maintained, but they are ordered to be released on probation of good conduct u/s 4(i) of the Probation of Offenders Act on their furnishing personal bonds in the sura of Rs. 10,000/- each with one surety in the like amount subject to the condition that they will keep peace and be of good behaviour for a period of six months from the date of passing of this order. In case they are found to be indulged in such like illegal activities, sentence awarded by the court below shall stand revived.

5. With this modification in the matter of sentence, Criminal appeal filed by the Appellants stands disposed of.