



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

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CRR-532-2007 (O&M)

Date of Decision.:01.07.2025

Des Raj

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Naresh Prabhakar, Advocate
for the petitioner.

Ms. Pratibha Bali, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

Petitioner Des Raj was tried by Ld. Judicial Magistrate 1st Class, Ludhiana in a case arising out of FIR No.57 dated 31.03.2004 under Section 61 of Excise Act registered at Police Station City, Shimlapuri as he was found in possession of 20 cartoons i.e. 240 bottles of English liquor. After trial, the petitioner Des Raj was convicted under Section 61 of Excise Act vide judgment dated 15.05.2006 by the trial Court and was sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹500/- with default sentence of 15 days rigorous imprisonment in case of non-payment of fine. On appeal, the judgment of conviction and order of sentence were upheld by the Court of learned Additional Sessions Judge, (Adhoc) Fast Track Court, Ludhiana vide judgment dated 31.01.2007.

2. Against the abovesaid conviction and sentence, this revision petition was filed.

3. Today learned counsel for the petitioner stated at the outset that petitioner does not press the petition against the judgment of



conviction; and that petitioner confines his prayer only against order of sentence. It is submitted that petitioner would be satisfied, in case he is sentenced to imprisonment for the period already undergone by him.

4. Learned counsel points out that petitioner was 40 years of age at the time of offence which had taken place wayback in 2004 i.e. 21 years back and so, he deserves to be sentenced for the period already undergone by him.

5. Learned State counsel has not seriously objected to the aforesaid prayer.

6. Although the custody certificate has not been placed on record by the State but perusal of the record would reveal that conviction was recorded by the trial Court on 15.05.2006 and appeal against the conviction was dismissed by the Appellate Court on 31.01.2007. As per the order of the Appellate Court, the petitioner was taken into custody on the same date. His sentence was suspended by this Court by way of order dated 05.04.2007, which means that at least from 31.01.2007 to 05.04.2007 the petitioner remained in custody.

7. In the aforesaid facts and circumstances, it will be in the interest of justice, if the period of imprisonment is reduced to the period already undergone by the petitioner, instead of sending him behind bars in the company of hardened criminals.

8. Consequently, the present petition is partly accepted. By maintaining the impugned judgment against conviction, the order of sentence as passed by the trial Court is modified and the petitioner is sentenced to imprisonment for the period already undergone by him.

9. However, it is made clear that amount of fine, if not paid earlier, shall be deposited before learned Chief Judicial Magistrate



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concerned, within a period of four weeks' from today, failing which the petitioner will have to carry out the complete sentence as imposed by the trial Court.

Disposed of.

**(DEEPAK GUPTA)
JUDGE**

July 01, 2025

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No