



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

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CRR-484-2008 (O&M)  
Date of Decision: 04.08.2025

Tara Chand and another

...Petitioners

V/s

State of U.T. Chandigarh

...Respondent

**CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Y.P. Singla, Advocate, for the petitioners.  
Mr. J.S. Toor, APP, U.T., Chandigarh.

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**VIKRAM AGGARWAL, J (ORAL)**

The present revision petition assails the judgment dated 29.02.2008, passed by the Court of Additional Sessions Judge, Chandigarh vide which the appeal preferred by the petitioners against the judgment of conviction and order of sentence dated 01.06.2005, passed by the Court of Judicial Magistrate Ist Class, Chandigarh, was dismissed.

2. Vide judgment of conviction dated 01.06.2005, the Court of Judicial Magistrate Ist Class, Chandigarh convicted the petitioners under Section 61 of the Punjab Excise Act, 1914 and vide order of sentence of even date, sentenced the petitioners to undergo rigorous imprisonment for a period of six months. Fine of Rs.2000/- each was also imposed. In default of payment of fine, the petitioners were ordered to undergo imprisonment for two months each.

3. As per the prosecution case, HC Gurbaz Singh along with other police officials were on patrolling duty on 12.04.2001 near bus-stop,



Manimajra. While proceeding to Gobindpura, one scooter bearing Regn. No.HR-03-B-9127 with a driver and a pillion rider came from the opposite side near Housing Board Light Point. On seeing the police party, they got perplexed and tried to turn back. On suspicion, they were asked to stop. The driver disclosed his name as Raj Kumar and the pillion rider disclosed his name as Tara Chand. Tara Chand was holding a white gunny bag on the seat between him and Raj Kumar. The bag was searched and four sealed boxes of liquor make Rustam XXX Rum were recovered from them. Each box was containing 50 pouches of liquor 180 ml each. No license was produced by the accused-petitioners. Investigation commenced. After completion of investigation, final report was prepared and submitted. Charges were framed against the accused-petitioners, to which, they pleaded not guilty and claimed trial.

5. The trial Court convicted and sentenced the petitioners in the manner as referred to in the opening part of the judgment. The petitioners preferred an appeal which was also dismissed by the Court of Additional Sessions Judge, Chandigarh, leading to the filing of the present revision petition.

6. I have heard learned counsel for the parties.

7. At the outset, learned counsel representing the petitioners submit that petitioner No.1 Tara Chand has unfortunately expired on 23.10.2019. A copy of his death certificate has been placed on record. He submits that the petitioners do not challenge the judgment of conviction on merits. They, however, submit, for, the petitioners have undergone a protracted trial as FIR was registered against them in 2001, they were convicted vide judgment dated 01.06.2005 and even their appeal was dismissed on 29.02.2008 after which the instant revision petition was filed in this Court, the sentence be modified



to that already undergone by the petitioners. He submits that the petitioners have already undergone about 15 days of imprisonment and the fine stands deposited.

8. *Per contra*, learned State Counsel has opposed the prayer stating that the judgment of conviction and order of sentence deserve to be upheld.

9. Separate custody certificates dated 04.08.2025 filed in Court today are taken on record as per which, both petitioners have undergone actual sentence of 15 days.

10. I have considered the submissions made by learned counsel for the parties.

11. Concededly, FIR No74 dated 12.04.2001 was registered under Section 61 of the Excise Act at Police Station Manimajra. The petitioners were put to trial in 2001. They were convicted and sentenced vide judgment and order dated 01.06.2005. Their appeal against the said decision was dismissed on 29.02.2008. Ever since then, their revision petition has been pending in this Court. The petitioners have faced the agony of trial and pendency of their appeal/revision etc. for the last almost 24 years. They have already undergone sentence of about fifteen days. There is no history of the petitioners being previous offenders. Petitioner No.1 has unfortunately expired during the pendency of the present petition. Therefore, no useful purpose would be served by sending petitioner No.2 to custody at this stage.

12. I have gone through the impugned judgments and on merits find them to be well reasoned. I do not, therefore, find any reason to interfere in them.

13. However, keeping in view the totality of the facts and circumstances, while maintaining the judgment of conviction, the order of sentence is modified to that already undergone by petitioner No.2 and as



regards petitioner No.1, since he is stated to have expired on 23.10.2019, proceedings qua him stand abated.

With the aforesaid modification, the present revision petition is disposed of.

Pending application(s), if any, shall stand disposed of accordingly.

**(VIKRAM AGGARWAL)**  
**JUDGE**

**August 04, 2025**

vchgarg

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No