

**207 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRR-1144-2010****Date of Decision: April 22, 2025****Kulwant Singh @ Kala****...Petitioner****Versus**

The State of Punjab

...Respondent**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA****Present:-** None for the petitioner.

Mr. Rajeev K. Takkar, DAG, Punjab.

DEEPAK GUPTA, J.(Oral)

Petitioner – Kulwant Singh @ Kala was tried by learned Addl. Chief Judicial Magistrate, Ferozpur under Section 61 of the Punjab Excise Act, 1914, in a case arising out of FIR No.239 dated 26.06.2000, registered at Police Station Sadar Ferozpur and was convicted under Section 61(1)(c) of the Punjab Excise Act and sentenced to undergo rigorous imprisonment for a period of 01 year and to pay fine of ₹5,000/- with default sentence of 01 month rigorous imprisonment in case of non-payment of fine.

2. The appeal against the above-said conviction and sentence was dismissed by learned Addl. Sessions Judge, Ferozpur, vide judgment dated 05.04.2010.

3. Today nobody is appearing on behalf of the petitioner. This Court has gone through the impugned judgment of the trial Court and finds that conviction has been recorded after proper appreciation of the evidence on record. This Court does not find any reason so as to interfere in the impugned judgment of conviction and as such, the same is hereby maintained.

4. However as far as the impugned order of sentence is concerned it is noticed that petitioner was sentenced for a period of 01 year and to pay fine of ₹5,000/- with default sentence of 01 month rigorous imprisonment in case of non-payment of fine.

5. The custody certificate placed on record by the respondent-State would reveal that petitioner has already undergone actual custody sentence of 01 month and 21 days. Custody certificate further indicates that petitioner is not involved in any other criminal case.

6. 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.

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

8. However, it is made clear that amount of fine, if not paid earlier, shall be deposited before learned Chief Judicial Magistrate concerned, within a period of four weeks from today, failing which the appellant will have to carry out the complete sentence as imposed by the trial Court.

Disposed of.

April 22, 2025

sarita

**(DEEPAK GUPTA)
JUDGE**

Whether reasoned/speaking:
Whether reportable:

Yes/No
Yes/No