

CHA 88 2021
UID No. PB 0433

1

State Vs. Amrik Singh
CNR No. PBGDA10004792021

PBGDA10004792021



Presented on : 27-01-2021
Registered on : 27-01-2021
Decided on : 20-09-2022
Duration : 1 years, 7 months, 24 days

**IN THE COURT OF
Judicial Magistrate - Ist Class
AT Batala, Gurdaspur
(Presided Over by Sh. Rajinder Singh)**

CHA/88/2021

State of Punjab

Versus

Amrik Singh S/o Bahadur Singh, R/o Village Nangal, Tehsil Batala, District
Gurdaspur. **...Accused.**

FIR No. :- 11 of 15.02.2020
Under Section :- 61-1-14 of Punjab Excise Act
Police Station :- Ghoman

Present: Ld. APP for the State.
Accused Amrik Singh with counsel Sh. Amarpal Singh,
Advocate.

J U D G M E N T : -

1. The above named accused has been sent up by the SHO of Police Station Ghoman, Batala to face trial for the commission of offence punishable under Section 61/1/14 of Punjab Excise Act with the allegations that on 15.02.2020 in the area of Village Nangal, Batala PS Ghoman, accused was found in possession of 20 KG of lahan and 05 bottles of illicit liquor without any permit or license. On the basis of that the present FIR was registered. Other formalities of the investigation have been completed and after completion of investigation, present challan against the accused were presented in the Court.

2. On presentation of challan, copies of documents having been relied upon by prosecution were supplied to the accused free of cost as per Section 207 Cr.P.C.

3. Finding a prima facie case accused was charged for the offence punishable under Section 61/1/14 of Punjab Excise Act to which the accused pleaded not guilty and claimed trial.

4. Today, when the case is fixed up for prosecution evidence, accused Amrik Singh has orally stated that he wants to confess his offence. He was given sufficient time to think over the same and he was also made aware that in case he makes confession, the same can be used against him. Subsequently, again he prayed that he wants to confess.

5. Further, Amrik Singh has suffered a statement that he confesses his guilt with his own free will, without any pressure, coercion or under any influence. I have personally heard the accused and I am of the considered opinion that confession made by accused Amrik Singh was volunteer, without any inducement, fear or coercion and as accused has confessed his offence, he is found guilty and ordered to be convicted under Section 61/1/14 of Punjab Excise Act. Let, he be heard on quantum of sentence.

Pronounced in Open Court this 20th day of September, 2022.

(Rajinder Singh), PCS
Judicial Magistrate 1st Class
Batala/UID No.PB0433

Narinder Kumar.
(Stenographer-II)

Quantum of Sentence

Present :- Ld. APP for the State.
Accused Amrik Singh on bail assisted by Sh. Amarpal Singh
Advocate.

Heard on the quantum of sentence. Learned Counsel for the convict Amrik Singh pleaded that accused/convict is a poor person and is the only bread winner of his family and is the first offender and as such, benefit of probation be bestowed upon him. Keeping in view the antecedents of the convicts and nature of the case, I have come to the conclusion that ends of justice shall be fully met, if convict is afforded an opportunity to come to the path of rectitude. As such, the convict is ordered to be released on probation under Section 4(1) of Probation of Offenders Act, on furnishing of Personal probation bonds in the sum of ₹ 30,000, undertaking therein not to repeat the offence, be of a good behavior and to appear, receive the sentence as and when called upon by the Court to do so, for a period of six months. He is also burdened of Cost of Rs. 300/- to be deposited in DLSA. Cost paid. Probation bonds furnished which are accepted and attested. File complete in all respect be consigned to the Record Room, Batala after due compliance.

Dated 20.09.2022
Narinder Kumar, Stenographer II

(Rajinder Singh), PCS
Judicial Magistrate Ist Class,
Batala/UID PB0433.

Present :- Ld. APP for the State.
Accused Amrik Singh on bail assisted by Sh. Amarpal Singh,
Advocate.

Today the case was fixed for prosecution evidence.

Today accused Amrik Singh orally stated that he wants to confess his offence. He was given sufficient time to think over the same and he was also made aware that in case he makes confession, the same can be used against him. Subsequently, again he prayed that he wants to make confession. His statement was recorded to that effect.

Arguments heard. Vide my separate detailed judgment of even date, accused Amrik Singh is convicted and released on probation. Case property be dealt as per rules. File complete in all respect be consigned to the Record Room, Batala after due compliance.

Dated 20.09.2022
Narinder Kumar, Stenographer II

(Rajinder Singh), PCS
Judicial Magistrate Ist Class,
Batala/UID PB0433