

PBBTB10004532021



Presented on : 12-03-2021
Registered on : 12-03-2021
Decided on : 26-07-2024
Duration : 3 years, 4 months, 14 days

**IN THE COURT OF
Judicial Magistrate Ist Class
AT Phul, Bathinda
(Presided Over by Ms. Jasmine)
UID No. PB00598**

CHA/81/2021

State	Vs.	Harwinder Singh son of Major Singh, resident of Village Hakam Singh Wala, District Bathinda. Accused
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FIR No. 104 dated 18.07.2016
U/s 61/1/14 Excise Act,1914.
Police Station: Dialpura

Present: Sh. Tarun Goyal, APP for the state.
Accused Harwinder Singh on bail with counsel
Sh. AS Bedi, Advocate.

JUDGMENT:-

1. The above said accused has been sent by Police Station
Dialpura, Tehsil Phul, District Bathinda to face trial for the commission
of offences punishable Under Section 61/1/14 of Excise Act, 1914.

2. Brief facts of the case of prosecution case are that on 18.07.2016 in the area falling within the ambit of PS Dialpura, accused person was found in possession of 9 bottles of country made liquor make Heer Sofi without any permit or licence. The accused was arrested. Statements of the witnesses under Section 161 Cr.PC recorded. After completing the necessary requirement of investigation, challan was presented against the accused person for the commission of offence punishable Under Section 61/1/14 of Excise Act, 1914.

3. On the presentation of challan and appearance of accused, copies of challan & copy of documents relied upon by the prosecution, was supplied to the accused free of costs, as envisaged under section 207 Cr.P.C.

4. Finding a prima facie case punishable under Section 61/1/14 of Excise Act, 1914, charge was framed against the accused, to which he pleaded not guilty and claimed trial.

5. However, when the case was fixed for prosecution evidence, accused person namely Harwinder Singh expressed his desire to confess his guilt. He was made to understand that he was not bound to confess his guilt and if he did so, the same would be read as evidence against him but the accused person persisted with recording of his confessional statement. As such, his confessional statement was recorded, to the satisfaction of the undersigned that the confession was made voluntarily without any pressure, threat or influence.

6. In view of the confessional statement made by accused person, he is held guilty for commission of offence under Section 61 of the Punjab Excise Act and stand convicted for the said offences. Let the convict be taken into custody and be heard on the question of sentence.

Pronounced in open court

Dated: 26.07.2024

Vandana -Stenographer-II

Direct Dictation

(Jasmine)

Judicial Magistrate First Class,

Phul/UID No.PB0598

QUANTUM OF SENTENCE

Present: Sh. Tarun Goyal, APP for the state.
Convict Harwinder Singh represented by counsel,
Sh. AS Bedi, Advocate.

7. I have heard the convicts on the question of sentence. Convicts stated that he is poor person and has small children who is totally dependent upon him. He is only the bread winner of his family and he has prayed that he is the first offender. A lenient view may kindly be taken while imposing the punishment.

8. Keeping in view the plea of the convict and the small quantity of 9 bottles of country made liquor make Heer Sofi contained in one plastic cane, in his opinion it is a fit case in which the benefit of probation can be legitimately extended. Accordingly, convict Harwinder Singh is ordered to be released on probation on furnishing probation bonds in the sum of Rs.10,000/- for six months with undertaking to be of good behavior and conduct during this period. Cost of litigation in the sum of Rs.500/- is also imposed on the convict. Costs paid against proper receipt. Probation bonds furnished which are accepted and attested. Case property, if any be dealt as per rules after the expiry of period of appeal/revision, if any. File be consigned to the record room after due compliance.

Pronounced in open court
Dated: 26.07.2024
Vandana -Stenographer-II
Direct Dictation

(Jasmine)
Judicial Magistrate First Class,
Phul/UID No.PB0598