

**IN THE COURT OF
Shri Madan Lal,
Additional Chief Judicial Magistrate
at, Gurdaspur.**

Date of Institution: 12/01/2021.
Decided on: 20/08/2021.

CIS No. CHA-50-2021

CNR No. PBGD03-000247-2021

State

Versus

Shiv Kumar son of Ram Khilari, resident of Village Bhulle Chak, Police Station Tibber, District Gurdaspur.

.....Accused.

F.I.R. No. 127, dated 21/08/2020,
U/d : 61 of Punjab Excise Act, 1914.
Police Station: Tibber Gurdaspur.

Present: Shri Bikramjeet Singh, APP for the State
Accused on bail, with Shri Bhuvnesh Mahajan, Advocate.

JUDGMENT

The present challan under Section 61 (1) 14 of Punjab Excise Act against the above-named accused has been presented in the court on the allegations that on 21/08/2020, at about 10-45 p.m, in the area of Village Bhulle Chak, accused was found in possession of 12 bottles of country made liquor marka Cash Whiskey, without having any permit or license. Accused was arrested. After fulfilling necessary formalities, challan against accused was presented in the Court.

2. On appearance of the accused in the court, copies of challan and the documents annexed therewith, have been supplied to the accused free of costs, as required under Section 207 Cr.P.C.

3. After perusal of the documents and statements under Section 161 Cr.P.C. a prima facie case was made out against accused and charge under Section 61 (1) (a) of Punjab Excise Act was framed against him, to which, he pleaded guilty and did not claim trial.

4. Keeping in view the confession made by the accused James Masih, he is hereby convicted for committing offence punishable under section 61 (1) (a) of Punjab Excise Act. Let he be heard on the point of quantum of sentence.

**Announced in open Court.
Dated 20/08/2021.**

**(Madan Lal)PCS,
Additional Chief Judicial Magistrate,
Gurdaspur.**

Quantum of Sentence

Present: APP for the State.
Convict in person with counsel.

5. I have heard the learned APP for the State and convict. Convict has pleaded for taking lenient view on the ground that he is poor person and first offender. He undertakes not to commit such an offence in future.

6. The object of punishment is not only to be retributive but also to be re-formative. Taking into consideration all the facts and circumstances of the case and the plea taken by the convict on the question of sentence that he is a first offender and not a previous convict. There is recovery of 12 bottles of country made liquor marka Cash Whiskey from the possession of the accused. This court is of the view that having regard to the nature of the offence and the character of the offender, it is expedient to grant the benefit of probation to the accused under section 4 (1) of the Probation of Offender's Act, 1958. The probation of

Offender's Act 1958 is a milestone in the progress of the modern trend of reform in the field of penology. It is the result of recognition of the doctrine that the object of criminal law is more to reform an individual offender than to punish him. So, instead of sentencing the convict at once to any punishment convict is directed to be released on his entering into probationary personal bond in the sum of Rs.10,000/- for the period of six months and to appear and receive the sentence whenever called upon during such period and in the mean time to keep peace and be of good behaviour, however convict is also directed to deposit Rs.1000/- as prosecution costs.

7. Case property be destroyed under rules after awaiting the result of appeal/revision if any. File be consigned to record room Gurdaspur after due compilation.

Announced in open Court.
Dt:20/08/2021.

(Madan Lal)PCS,
Additional Chief Judicial Magistrate,
Gurdaspur. (UID No.PB0200)