

**In the Court of Ms. Gitanjali Goel, Sub-Divisional Judicial Magistrate,
Naraingarh (U.I.D. No. HR-0366).**

Filing No.1723 of 2022.
CNR No. HRAMA1-001723-2022.
CASE NO. CHA/265/2022.
Date of Institution: 04.10.2022
Date of Decision: 24.03.2025.

S T A T E

Vs.

Karamjit Singh son of Harbhajan Singh, resident of Village Badi Rasour, Naraingarh.

....Accused.

FIR No.412 Dated 05.09.2022.
Under Section 61 of The Punjab Excise Act, 1914
(Haryana Amendment Bill, 2020)
Police Station: Naraingarh.

Present: Sh. Sumit Sharma, APP for State.
Accused Karamjit Singh on bail represented by Sh. Sumit Parkash, Advocate.

JUDGMENT

The above named accused has been sent to this Court by the SHO, Police Station Naraingarh to face trial for the commission of offence punishable under Section 61 of The Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020).

2. Briefly, the prosecution version is that on 05.09.2022 at village Manakpur turn within the jurisdiction of P.S. Naraingarh, the accused was found having in conscious possession 10 bottles of country made liquor make 'Taaza Malta' without any perm it or license. After recording statement of witness and completion of entire investigation, the *challan* against the accused was prepared and presented under Section 61

of The Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020).

3. The copy of *challan* was supplied to the accused free of cost as envisaged under Section 230 of the BNSS.

4. Thereafter, finding a *prima-facie* case, the charge was framed under Section 61 (1) (a) of The Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020). The contents of the charge were read over and explained to the accused in simple language, to which he pleaded guilty and did not claim trial.

5. The accused requested the Court to record his confession. Accused was given statutory warning acquainted with the allegations in FIR against him and the implication of his confession. It was clarified to him that he is not bound to make any confession and if any confession is made by him that will be used as evidence against him. Court had also intensively questioned him as to whether he is making confession under any coercion or inducement. But the accused was consistent that he confesses his guilt voluntarily without any coercion or pressure. Court is also satisfied that the confession is voluntary and free from any coercion or inducement. Therefore, finding the confession of the accused voluntary, without any coercion or pressure, he is held guilty and convicted under Section 61 of The Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020). Let he be heard on the question of sentence.

Pronounced in open court :
Dated: 24.03.2025

(Gitanjali Goel)
Sub Divisional Judicial Magistrate,
Naraingarh.
UID No. HR-0366

Joginder

QUESTION OF SENTENCE

Present: Sh. Sumit Sharma, APP for State.
Accused Karamjit Singh on bail represented by Sh. Sumit Parkash, Advocate.

I have heard learned APP for State and learned counsel for convict on the question of sentence. The convict has pleaded that he is a poor person. He has a large family to support. He confesses his guilt. He will not repeat this offence again. He is making this statement voluntarily genuine without any coercion or undue influence. As such, he pleaded for taking lenient view against him and only fine be imposed on him. While learned APP for State has pleaded for imposition of maximum possible sentence.

Taking into consideration the antecedents of the convict and the nature of offence, this Court is of the considered opinion that the allegations against the convict are not of serious nature that should warrant them confinement behind bars. Therefore, in the interest of justice, the convict is sentenced as under:-

Section	Sentence
61 of The Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020)	Convict is sentenced to pay fine of Rs. 5000/- (i.e. Rs.500/- each bottle). In default of payment of fine, convict shall undergo simple imprisonment for 10 days.

Fine paid. The case property be disposed of after the expiry of period for filing appeal/revision, if any. File be consigned to the record room after due compliance.

Pronounced in open court :
Dated: 24.03.2025

(Gitanjali Goel)
Sub Divisional Judicial Magistrate,
Naraingarh.
UID No. HR-0366

Note: This Judgment contains 3 pages in total, each page is checked and signed by me.

Dated:24.03.2025

(Gitanjali Goel)
Sub Divisional Judicial Magistrate,
Naraingarh.
UID No. HR-0366

Present: Sh. Sumit Sharma, APP for State.
Accused Karamjit Singh on bail represented by Sh. Sumit Parkash, Advocate.

Today, the case was fixed for prosecution evidence. At this stage, accused requested the Court to record his confession. Confessional statement of accused recorded.

Vide my separate judgment of today, the accused has been convicted as under:

Section	Sentence
61 of The Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020)	Convict is sentenced to pay fine of Rs.5000/- (i.e. Rs.500/- each bottle). In default of payment of fine, convict shall undergo simple imprisonment for 10 days.

Fine paid. The case property be disposed of after the expiry of period for filing appeal/revision, if any. File be consigned to the record room after due compliance.

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