

**IN THE COURT OF GAGANDEEP MITTAL, CHIEF JUDICIAL
MAGISTRATE, GURUGRAM.**

Case No : 718 of 2016
CNR no. :HRGR03-041670-2016
CIS No. : CHA/3257/2016
Date of Instt. : 13.12.2016/14.12.2016
Date of Decision : 21.04.2017

State Versus Manoj Kumar son of Hanuman Singh
R/o Kakrala, Kanina, Mahendergarh.

.... Accused.

FIR No. : 0976 dated. 09.12.2016
Under Section : 68 of Punjab Excise Act.
Police Station : DLF, Gurugram.

Present:- Shri Sumit Saini, APP for the state.
Accused is on bail represented by Shri Karan Singh, Adv.

J U D G M E N T :-

The present accused has been sent up by the Station House Officer, Police Station DLF, Gurugram, to face trial for the commission of offence punishable under Section 68 of Punjab Excise Act, 1914.

2. The allegations against the accused are that on 08.12.2016 above named accused, was found consuming liquor at public place and thereby committed an offence punishable under Section 68 of Punjab Excise Act, 1914. On the basis of these allegations, the instant case was registered against the accused. The accused was arrested. After completion of other necessary formalities of investigation, challan was put up in the court for trial.

3. Copy of challan was supplied to the accused free of costs as

envisaged under Section 207 of the Code of Criminal Procedure, 1993.

4. Finding a prima facie case, the accused was charge sheeted for the commission of the offence punishable under section 68 of Punjab Excise Act, 1914 to which he pleaded guilty and did not claim trial. This court is satisfied that accused has pleaded guilty, voluntarily, free from pressure, fraud, undue influence and promise etc.

5. In view of the fact that the accused has pleaded guilty, he is hereby held guilty and convicted under section 68 of Punjab Excise Act, 1914. Let the convict be heard on quantum of sentence.

Announced in Daily Lok Adalat.
Dated:- 21.04.2017

Mahak

(Gagandeep Mittal)
Chief Judicial Magistrate, GGM
UID No. HR0203

ORDER ON QUANTUM OF SENTENCE:

Present:- Shri Sumit Saini, APP for the state.
Accused is on bail represented by Shri Karan Singh, Adv.

This court has heard the accused and APP for the State on quantum of sentence. The convict has stated that he is a poor person, sole bread earner and has large family to support, therefore, request is made to take a lenient view in connection with punishment. The said request is opposed by Ld. APP for the State. He contended that such type of offences are increasing day by day and the convicts are not entitled for a lenient view.

2. This court has given thoughtful consideration to the rival submissions made by the parties. Keeping in view the nature of offence, age, character, antecedents and the statement of convict, the accused be released on

probation of good conduct on furnishing of probation bonds in the sum of ₹.15,000/- for six months undertaking to appear and receive sentence as and when called upon during such period and to pay ₹.500/- as fine, for commission of offence punishable u/s 68 of Punjab Excise Act, 1914. This court orders accordingly. Fine paid, receipt issued. Case property, if any, be dealt with in accordance with law. Accused be released if not required in any other case. File be consigned to records after due compliance.

Announced in Daily Lok Adalat.

Dated:- 21.04.2017

Mahak

(Gagandeep Mittal)

Chief Judicial Magistrate, GGM

UID No. HR0203

Note: All the three pages of this judgment has been duly checked and signed by me.

(Gagandeep Mittal)

CJM/ Gurugram.21.04.2017

UID No. HR0203

Present:- Shri Sumit Saini, APP for the state.
Accused is on bail represented by Shri Karan Singh, Adv.

Arguments on charge heard. On finding prima facie case against accused, charge under Section 68 of Punjab Excise Act, 1914 framed against the accused, to which accused pleaded guilty and did not claim trial. As the accused has pleaded guilty, he is held guilty and convicted under section 68 of Punjab Excise Act, 1914. Statement of accused on the point of quantum of sentence has been recorded separately.

Arguments heard. Vide separate judgment of even date, accused has been convicted for commission of offence punishable under Section 68 of Excise Act. Keeping in view the nature of offence, age, character, antecedents and the statement of convict, he be released on probation of good conduct on furnishing of probation bonds in the sum of ₹.15,000/- for six months, undertaking to appear and receive sentence as and when called upon during such period and to pay ₹.500/- as fine, for commission of offence punishable u/s 68 of Punjab Excise Act, 1914. This court orders accordingly. Fine paid, receipt issued. Accused be released, if not required in any other case. Case property, if any, be dealt with in accordance with law. File be consigned to records after due compliance.

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(Gagandeep Mittal)
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State Versus Manoj Kumar son of Hanuman Singh
R/o Kakrala, Kanina, Mahendergarh.

Charge-sheet

I, Gagandeep Mittal, Chief Judicial Magistrate, Gurugram, do
hereby charge you above named accused as under :-

That on 08.12.2016 in the area of DLF, Gurugram, you were
found consuming liquor at public place and that you thereby committed an
offence punishable under Section 68 of the Excise Act and within the
cognizance of this court.

And I hereby direct you that you be tried by this court on the
aforesaid charge.

(Gagandeep Mittal)
CJM/ Gurugram.21.04.2017
UID No. HR0203

Certified that contents of the charge have been read over and
explained to accused in simple Hindi.

(Gagandeep Mittal)
CJM/ Gurugram.21.04.2017
UID No. HR0203