

## **Order**

1. Today the matter is is on board. Perused the case on hand, it transpires that charge sheet has been filed against the accused for the section 65AA of Gujarat Prohibition (Amendment) Act, 2016. The accused in the present case wants to plead guilty of the offence alleged vide exhibit .
2. On asking, accused averred that he has preferred this *Pursis* voluntarily after understanding the nature of allegations against him and the extent of punishment provided under the law for the offence(s) in question.
3. Before imposing any sentence it is very much essential to look into the section 65AA of the said Act. Section 65AA says that “ ***Notwithstanding anything contained in section 65, whoever sells, buys, possesses or transports any intoxicant which is less than quantity as specified by the state Government by the notification in the official Gazette, shall, on conviction, be punished, for each such offence with imprisonment for a term which may extend to three years and also with fine***”.
4. **The monetary value of liquor is Rs. 360/-** ; therefore it seems to be too small in value. Further no minimum sentence is prescribed for the said offence, when quantity is less.
5. The basic principle of Criminal Jurisprudence has been that the punishment that fits the crime is the appropriate punishment in proportion to the culpability of the criminal conduct and it is what the offender or the perpetrator deserves for his crime. It is, also required to be noted that disproportionately large sentences in excess of blameworthiness would be as unjustifiable as disproportionately small sentences. Disproportionately large sentences would be futile and useless infliction of suffering, it represents needless suffering.
6. It is evident that accused is poor, uneducated and he has not been previously convicted for same kind of offence. There are high prospects of rehabilitation as he is not a habitual offender. Therefore to reduce the

delay in the disposal of criminal trials and appeals and keeping in mind the real purpose of sentencing, I pass the Following order as follows:

**O r d e r**

1. The accused is hereby sentenced to undergo sentence of simple imprisonment of till rising of the Court and to pay a fine of Rs.700/- ( seven hundred only ) and in default to undergo imprisonment for 3 days.
2. Non Valuable Muddamaal as shown in Muddmaal Receipt be destroyed after the period of Appeal.
3. File be consigned to record room after due compliance.

Signed and Pronounced in the open court on 26<sup>th</sup> Day of JUNE, 2022.

Place: Rajkot  
Date: 26/06/2022

(Hasmukh J. Parmar)  
Judicial Magistrate First Class,  
(Railways) Rajkot  
Judge Code: GJ01467.