

CASE NO.:  
Appeal (crl.) 137 of 2008

PETITIONER:  
Shiv Lal

RESPONDENT:  
State of Haryana

DATE OF JUDGMENT: 18/01/2008

BENCH:  
C.K. THAKKER & D.K. JAIN

JUDGMENT:  
JUDGMENT  
O R D E R

(Arising out of S.L.P.(Criminal) No.5062 of 2007

Leave granted.

We have heard learned counsel for the parties.

The appellant herein was acquitted by the Trial Court for an offence punishable under Section 307 IPC. He, was, however, convicted for an offence punishable under Section 61(1)(a) of Punjab Excise Act, 1961 and was ordered to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.1000/-, in default of payment of fine, to undergo further rigorous imprisonment for two months. The High Court confirmed the said order of conviction.

The learned counsel for the appellant stated that so far as the conviction under Section 307, IPC is concerned, it was not challenged by the State and the order had attained finality. So far as conviction under the Punjab Excise Act is concerned the counsel stated that the maximum punishment

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impossible for the said offence is three years. He also stated that the appellant had suffered serious injuries due to air crash and even now his physical condition is not well and is undergoing treatment. An affidavit to that effect is also filed. Necessary material in the form of photographs and medical certificate are also produced. He further stated that the appellant has remained in jail for 159 days till today.

On considering the facts and circumstances in their entirety, in our opinion, ends of justice would be met if we hold that the sentence suffered by the appellant is held adequate. The appellant is ordered to be released forthwith if he is not required in connection with any other case. We order accordingly.

Appeal is, accordingly, allowed to the extent indicated above.