

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

26TH DECEMBER, 2023

CRIMINAL REVISION NO. 162 of 2009

Sona

.....Revisionist

Versus

State of Uttarakhand

...Respondent

Counsel for the Revisionist : Mr. A.M. Saklani, Advocate.

Counsel for the State : Mr. M.K. Khan, A.G.A.

Hon'ble Alok Kumar Verma,J.

The revisionist – accused Sona was convicted and sentenced to undergo rigorous imprisonment for a period of four years along with a fine of Rs.20,000/- under Section 409 of the Indian Penal Code, 1860 (in short, “IPC”).

2. Against the said judgment dated 20.08.2002, passed by learned Chief Judicial Magistrate, Uttarkashi in Criminal Case No.4 of 2000, a Criminal Appeal (Appeal No.15 of 2002) was filed. Learned Sessions Judge, Uttarkashi modified the sentence of imprisonment, imposed by the Trial Court, and sentenced the revisionist to one year rigorous imprisonment instead of four years.

3. As per the prosecution's case, ten Weaver Trainees were being trained under the District Scheme in the year 1997-

98 in Uttar Pradesh Khadi Gramodyog and Utpadan Centre. Trainees were to be given scholarship. Revisionist-accused was appointed Incharge of Training Program. Revisionist paid them only Rs.9,950/-. The remaining amount i.e. Rs.14,050/- was not paid by him. Three loom machines were sold illegally by the revisionist. The total price of the said machine was Rs.18,600. The First Information Report was lodged by the District Village Industries Officer, Uttarakashi on 25.09.1998.

4. Upon the conclusion of the investigation, a charge-sheet was filed.

5. Charges, under Section 420 IPC and Section 409 IPC were framed.

6. Prosecution examined eight witnesses.

7. Statements under Section 313 of the Code of Criminal Procedure, 1973, were recorded. The revisionist-accused denied all the incriminating evidence, produced by the prosecution.

8. After hearing the arguments and appreciation of the evidence, learned trial court acquitted the revisionist of the charge of Section 420 IPC and convicted him under Section 409 IPC.

9. Heard Mr. A.M. Saklani, learned counsel for the revisionist and Mr. M.A. Khan, learned A.G.A. for the State.

10. Mr. A.M. Saklani, Advocate has requested to alter the sentence and grant benefit of probation to the revisionist under the provisions of the Probation of Offenders Act, 1958.

11. The said request has not been opposed by the State.

12. Mr. M.A. Khan, A.G.A., appearing for the State, has filed a copy of the report of District Probation Officer, Tehri Garhwal dated 18.12.2023. The said report is taken on record. Learned A.G.A. submitted that as per the report of the District Probation Officer, Tehri Garhwal, conduct and behavior of the revisionist – Sona have been found good.

13. Present matter is pending since 1998. The age of the revisionist is about 56 years. There is nothing on record to suggest that the revisionist is involved in any unacceptable activity.

14. After considering the facts and circumstances of this case, it seems appropriate that the sentence, imposed by the Appellate Court, should be altered and the benefit of probation should be granted to the revisionist.

15. Consequently, without altering the findings of the Courts below, the nature of the sentence is being altered. The revisionist – Sona be released on probation on good conduct for a period of six months, on his entering into a bond of Rs.30,000/- with one surety of the like amount to appear and receive sentence when he is called during such period. In the meantime, he is directed to keep the peace and be of good

behavior. Revisionist is further directed to appear before the District Probation Officer, Tehri Garhwal within a week from today.

16. Registry is directed to send a certified copy of this Judgment to the District Probation Officer, Tehri Garhwal for necessary action.

17. The present Criminal Revision (No.162 of 2009) is disposed of accordingly.

Dated 26.12.2023
JKJ/Neha

ALOK KUMAR VERMA, J.