

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Revision No.1494 of 2006 (O&M)

Date of Decision: 14.10.2015

Rakesh Pal

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. N.D. Achint, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA J.(Oral)

Petitioner- Rakesh Pal has filed the present revision petition against judgment dated 14.7.2006 passed by learned Additional Sessions Judge (Fast Track Court), Bhiwani, whereby, his appeal against the judgment of conviction dated 22.11.2003 and sentence dated 24.11.2003 passed by learned Additional Chief Judicial Magistrate, Bhiwani has been dismissed.

Briefly stated, FIR No.37 dated 23.2.1996 under Sections 420/467/468 and 471 IPC registered at Police Station Civil Lines, Bhiwani was registered against the petitioner on the

complaint submitted by Sushil Kumar, complainant. It is the case of the prosecution that Sushil Kumar, complainant, is the adopted son of Jawala Prashad who is having land bearing Rectangle No.162 Killa No.13//1 situated at Village Jatoli, District Gurgaon. His father Jawala Prashad died in the year 1970 and his adoptive mother lost her mental balance and could not tell anything about the land and due to this, they could not look after the same. During this period, petitioner-Rakesh Pal obtained power of attorney in his name by producing some person in place of Jawala Prashad. On the complaint of Sushil Kumar, police investigated the matter and submitted challan under Section 173 CrPC. The accused was supplied the documents free of cost, as provided under Section 207 CrPC.

Learned trial Court vide judgment dated 22.11.2003, held the petitioner guilty and convicted him for offence under Sections 467 and 468 IPC and vide separate order dated 24.11.2003, sentenced him to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.500/- for offence under Section 467 IPC. He was further sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.500/- for offence under Section 468 IPC and in default of payment of fine, to further undergo rigorous imprisonment for 15 days. Both the sentences were ordered to run concurrently.

Petitioner challenged the judgment of conviction and sentenced by way of appeal. However, learned Additional Sessions

Judge (Fast Track Court), Bhiwani vide judgment dated 14.7.2006 dismissed the appeal.

It is against the aforesaid order dated 14.7.2006 passed by learned Additional Sessions Judge (Fast Track Court), Bhiwani, the petitioner has filed the present revision petition.

Learned counsel for the petitioner, instead of arguing the case on merits, has confined his arguments only *qua* the quantum of sentence. He has submitted that as against the awarded sentence of two years, the petitioner has already remained in custody for 2½ months and he is facing the protracted trial since 23.2.1996 and in this manner, he is suffering the agony of trial for the last about 19 years. He further submitted that the alleged power of attorney was never used and therefore, no loss has been caused to any party. Further, during the pendency of the present revision petition, the parties have compromised the matter vide compromise deed dated 14.5.2011. The petitioner has moved CRM-36648-2011 for quashing of judgment of conviction dated 22/24.11.2003 as well as judgment dated 14.7.2006 passed by the lower Appellate Court on the basis of compromise dated 14.5.2011.

In the light of compromise deed dated 14.5.2011 (Annexure A-1), learned counsel for the petitioner argued that since the parties have entered into a compromise, the sentence of the petitioner be reduced to the period already undergone by him.

To this argument, learned State counsel submitted that he has no objection in case the conviction of the petitioner is

maintained and the sentence awarded to the petitioner is reduced to the period already undergone by him.

Accordingly, considering the compromise between the parties, the conviction of the petitioner is maintained, however, the order of sentence is partly modified to the extent that the sentence of the petitioner is reduced to the period already undergone by him. However, the total amount of fine is increased to Rs.10,000/- i.e. Rs.5,000/- for each of the offences, to be paid to the complainant within three months from the date of receipt of a certified copy of this order, failing which, the present petition shall stand dismissed and the petitioner shall be liable to undergo imprisonment as awarded by the trial Court and affirmed by the lower Appellate Court.

The petitioner shall deposit the fine in the trial Court and the trial Court shall disburse the same to the complainant.

With the aforesaid modification, the present revision petition is disposed of.

October 14, 2015
AK

(HARI PAL VERMA)
JUDGE