

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Revision No. 1717 of 2006

Date of Decision: 26.08.2015

Om Parkash

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Ajay Tewari

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. Shivrup Singh, Advocate
for the appellant(s).

Mr. A.P.S.Gill, Assistant Advocate
General, Punjab for the respondent.

Ajay Tewari, J.

This revision petition has been filed against the concurrent conviction of the petitioner under Section 409 IPC in case FIR No. 46 dated 6.10.1995, registered at Police Station Division No. 5, Jalandhar and sentence of two years along with fine of ₹ 500/- was awarded.

The brief facts of the present case are that the petitioner was appointed as a Clerk-cum-Cashier and he misappropriated various amounts of money deposited by various customers. The allegations levelled were that the entries were made in the pass-books of the customers but the money was misappropriated by the petitioner and the

corresponding entries were not made in the ledger or cash scrolls.

Learned counsel for the petitioner has argued that it has not been proved that the petitioner was working as a Clerk-cum-Cashier. In this connection, both the Courts below have noticed that when the prosecution witnesses stated that the petitioner was working as a Clerk-cum-Cashier, they were not cross-examined on this point by the learned defence counsel. In these circumstances, it is held that the petitioner was proved to have been working as a Clerk-cum-Cashier in the bank.

The second argument of learned counsel for the petitioner is that no Handwriting Expert was produced to prove that various entries made in the pass-books of the customers were in the hand of the petitioner. This fact has also been considered by both the Courts below, which had relied upon the testimonies of the employer of the petitioner who have seen him signing and writing the documents as well as the testimonies of the affected customers to come to the conclusion that the petitioner had misappropriated the amount.

No other argument has been raised on merits. In these circumstances, conviction of the petitioner is upheld.

Learned counsel for the petitioner has argued that there is some scope for reduction of sentence awarded to the petitioner because he is 67 years of age and has faced the ordeal of trial for the past two decades. He has also been dismissed from the bank.

Learned State counsel, on the other hand, has argued that when an employee of a bank misappropriates money, the offence is especially serious because the entire commercial system of the country

comes under cloud. The customers, in the present case, who were labour class persons, would lose their faith in the banking system of the country and instead of coming into the mainstream, they would be further marginalized.

After having heard the rival arguments of both the parties, I am of the opinion that in the interest of justice, it would be appropriate to reduce the sentence of the petitioner to one year. Let the petitioner be now arrested to serve out the remaining period of sentence.

Petition stands disposed of in above terms.

Since the main case has been decided, the Criminal Misc. Application, if any, also stands disposed of.

(Ajay Tewari)
Judge

August 26, 2015
"DK"