

**CRR no. 158 of 2007(O&M)
and connected case**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1. CRR no. 158 of 2007(O&M)

Suraj Bhan

....Petitioner(s)

VERSUS

State of Haryana

....Respondent

2. CRR no. 163 of 2007(O&M)

Udai Singh

....Petitioner(s)

VERSUS

State of Haryana

....Respondent

Decided on :29.07.2015

CORAM:- HON'BLE MR. JUSTICE MAHESH GROVER

Present:- Mr.R.S.Sihota, Sr. Advocate with
Mr. Ashok K. Sharma, Advocate for the petitioners

Mr. Kuldip Tiwari, Addl. AG, Haryana

MAHESH GROVER, J

This order will dispose of two criminal revision petitions bearing CRR no. 158 and 163 of 2007.

Petitioners in both the petitions impugn orders dated 25.9.2004 and 12.1.2007 passed by learned Trial Court and that of Appellate Court vide which they have been convicted and sentenced as under:-

Under Section 218 IPC	RI for 2 years and to pay fine of Rs.1500/- In fault of payment of fine to further undergo SI for 6 months.
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Under Section 120-B IPC	RI for 2 years and to pay fine of Rs.1500/- In fault of payment of fine to further undergo SI for 6 months.
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The facts of the case would indicate that the petitioner Suraj

Bhan was in litigation with his landlord namely Joginder Prashad. After having secured orders from the Court of competent jurisdiction regarding the eviction of petitioner Suraj Bhan from the premises whose warrants of possession were issued by the Court on 15.6.2001, Udai Singh, the Bailiff who is petitioner in CRR no. 163 of 2007 is alleged to have manipulated the report regarding possession ostensibly to help Suraj Bhan, the tenant. It is in the backdrop of the aforesaid that the proceedings under Sections 218 and 120-B IPC were initiated against both the petitioners namely Suraj Bhan and Udai Singh at the behest of the complainant Sh. Davinder Singh, Judicial Magistrate First Class.

Learned counsel for the petitioners contends that he would not wish to dispute the judgments on merits but confines his prayer to leniency considering the fact that the occurrence is said to have taken place in 2001. The petitioner Suraj Bhan stood retired at that point of time while petitioner Uda Singh has also since retired in 2003. He thus contends that at this point after a lapse of almost a decade and a half it would be too harsh on the petitioners to undergo remaining part of sentence. He pleads that the sentence be reduced to that of already undergone, particularly when no dispute is pending regarding Suraj Bhan and his landlord.

Prayer is opposed by the respondents who point out to the subversion of the process by petitioner - Udai Singh to benefit petitioner Suraj Bhan.

On due consideration of the matter and noticing the fact that petitions are not being pressed on merits and the fact that the occurrence took place in the year 2001 when petitioner Suraj Bhan stood retired and similarly during this interregnum Udai Singh has also retired and they

would be fairly advanced in years at this point of time, interest of justice would be subserved if sentence of the petitioners is reduced to that of already undergone by enhancing the fine component to Rs.10,000/- on each of the petitioners. Ordered accordingly. Let the amount of fine be deposited before the Trial Court within a period of two months from today.

With the aforesaid modifications in the sentence of the petitioners, instant petitions are disposed of.

July 29, 2015
rekha

(Mahesh Grover)
Judge