

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

**Crl. Revision No.416 of 2007 (O&M)
Date of decision : 20.01.2015**

Jagtar Singh

...Petitioner

versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Ms. G.K. Mann, Advocate,
for the petitioner.

Mr. Daljit Singh Virk, AAG, Punjab.

RITU BAHRI, J.

Challenge in this petition is to the judgment dated 14.02.2007 passed by the Sessions Judge, Amritsar, whereby he has dismissed the appeal preferred by accused-Jagtar Singh (petitioner herein) against the judgment of conviction and order of sentence dated 10.08.2006 passed by the Chief Judicial Magistrate, Amritsar.

The trial Court, vide judgment dated 10.08.2006, convicted accused-petitioner Jagtar Singh under Section 420 IPC and sentenced him to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.500/-. In default of payment of fine, he was further sentenced to undergo rigorous imprisonment for a period of three months.

In brief, the facts of the present case are that Lachhman Singh, Patwari demanded a bribe of Rs.6000/- from Jagtar Singh-accused (petitioner), for getting mutation of land measuring 10½ acres sanctioned in his favour and for getting copy thereof. However, accused-petitioner reported

the matter to Vigilance Department. Accordingly, FIR No.78 dated 26.08.1996, under Section 13 (2) read with Section 7 of the Prevention of Corruption Act was registered against Lachhman Singh, Patwari and he was apprehended by the Vigilance Department while accepting the bribe money of Rs.6000/- from Jagtar Singh-petitioner. After investigation, challan against him was presented before the Special Court. As per the prevalent scheme of the Government at that time, Jagtar Singh-accused (petitioner) received an amount of Rs.25,000/- as award vide draft No.00002/332723 dated 31.03.1998 for getting Lachhman Singh, Patwari apprehended while accepting the bribe money. However, during trial, Jagtar Singh-accused (present petitioner) had connived with Lachhman Singh, Patwari and resiled from his earlier statement made before the Vigilance Authorities, as a result of which, Lachhman Singh had been acquitted in that case. Since Jagtar Singh got apprehended Lachhman Singh, Patwari, while accepting the bribe and received award money of Rs.25,000/- from the Punjab Government and thereafter, he resiled from his statement enabling Lachhman Singh to get acquitted in the said case, therefore, he had cheated the Punjab Government. Accordingly, an FIR under Section 420 IPC was registered against the petitioner. On completion of investigation, challan was presented.

After presentation of challan, charge under Section 420 IPC was framed against the accused-petitioner, to which, he pleaded not guilty and claimed trial.

In order to prove its case against the accused-petitioner, prosecution examined SI Partap Singh, Vigilance Bureau (PW-1), Constable Joga Singh PW-2), DSP Lakha Singh Randhawa (PW-3) and thereafter, the evidence of prosecution was closed by order.

Statement of accused-petitioner under Section 313 Cr.P.C. was recorded, wherein entire incriminating evidence was put to him. However, he denied the same and pleaded false implication.

The trial Court, after going through the entire evidence led by the prosecution, convicted and sentenced the accused-petitioner in the aforesaid terms. Appeal against the said judgment was dismissed by the Sessions Judge, Amritsar vide judgment dated 14.02.2007. Hence, this petition.

As per the deposition of SI Partap Singh (PW-1), a draft dated 31.03.1998 for a sum of Rs.25,000/- was issued in the name of accused-petitioner, which was received by him on 05.06.1998 vide receipt (Ex.P1). He had given this statement on the basis of official record. The receipt (Ex.P1) was duly signed by the accused-petitioner. It was in the knowledge of the accused-petitioner, as to whether he had got the said draft encashed or not. In the absence of any evidence in this regard, it was presumed under Section 114 of the Evidence Act that he had got the said draft encashed. Hence, the accused-petitioner had received a sum of Rs.25,000/- from the Punjab Government for getting Lachhman Singh, Patwari apprehended while taking bribe of Rs.6000/- and on his statement, FIR No.78 dated 26.08.1997 was registered at Police Station Vigilance Bureau, Jalandhar under Sections 7 and 13 (2) of the Prevention of Corruption Act, 1988. However, during trial, the accused-petitioner resiled from his earlier statement made before the Deputy Superintendent of Police that Lachhman Singh had demanded and accepted Rs.6000/- as illegal gratification from him, as a result thereof, Lachhman Singh, Patwari was acquitted vide judgment (Ex.P2).

Hence, the prosecution was able to prove that accused-petitioner

had cheated and dishonestly induced the State of Punjab to deliver him the award money of Rs.25,000/-. Accordingly, he had committed an offence punishable under Section 420 IPC.

Learned counsel for the petitioner, at the outset, does not challenge the conviction on merits and restricts her prayer to quantum of sentence.

After going through the impugned judgments, no illegality, much less irregularity, has been found therein warranting interference by this Court.

Accordingly, the present petition is dismissed. However, a lenient view can be taken on the quantum of sentence. The petitioner was released on bail vide order dated 04.05.2007. At that time, he was 75 years of age. As per custody certificates, the petitioner has undergone 3 months and 11 days in custody and is not involved any other criminal trial. He is not a previous convict. As of today, he is about 82 years of age. The present FIR was registered on 17.03.2000 and the petitioner has been facing the agony of a protracted criminal trial for the last more than 14 years, the sentence of imprisonment awarded to the petitioner is reduced to the period already undergone. However, amount of fine is enhanced from Rs.500/- to Rs.5000/-, which shall be deposited by the petitioner before the trial Court.

With the above modification/direction, the present petition stands disposed of.

(RITU BAHRI)
JUDGE

20.01.2015
ajp