

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Revision No. 785 of 2006

Date of decision : 18.11.2015

Virender Kumar

..... Petitioner

versus

State of Haryana

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. H.S. Gill, Sr. Advocate with
Mr. S.K. Sharma, Advocate for the petitioner

Mr. Pramjeet Singh, AAG Haryana

ANITA CHAUDHRY, J.

Through this petition, the revisionist has challenged his conviction under Sections 420, 467, 468, 471 IPC. The conviction was recorded in FIR No. 21 lodged on 01.07.1994 at Police Station S.V.B. (H) Gurgaon. The Addl. Chief Judicial Magistrate, Rohtak vide order dated 21.07.2004 convicted and sentenced the petitioner as under :-

U/s Section 420 IPC	to undergo rigorous imprisonment for a period of 1 year along with a fine of Rs. 1000/- and in default of payment of fine to further undergo simple imprisonment for a period of two months
U/s Section 467 IPC	to undergo rigorous imprisonment for a period of 2 years along with a fine of Rs. 1000/- and in default of payment of fine to further undergo simple imprisonment for a period of two months
U/s Section 468 IPC	to undergo rigorous imprisonment for a period of 1 years along with a fine of Rs. 1000/- and in default of payment of fine to further undergo simple imprisonment for a period of two months
U/s Section 471 IPC	to undergo rigorous imprisonment for a period of 1 year along with a fine of Rs. 1000/- and in default of payment of fine to further undergo simple imprisonment for a period of two months

The judgment was affirmed by the Addl. Sessions Judge, Rohtak vide order dated 21.07.2005.

Aggrieved with both the verdicts, the accused has preferred the instant petition.

I have heard learned counsel for the petitioner as well as learned State counsel appearing for the State of Haryana.

During the course of arguments, learned counsel for the petitioner submits that he confines his submissions only to the quantum of sentence.

The prosecution case is that on 14.09.1992 in the area of Police Station, Kalanaur, the accused forged certificate Ex. PA purporting to have been issued by the Employment Officer of Employment Exchange, Kalanaur. The accused appeared in the interview for the post of peon-cum-Chowkidar on the basis of Ex. PA and delivered it before the officer who was taking the interview and in that way he cheated the Haryana Government. He used Ex. PA as genuine knowing full well that it was not properly issued by the competent authority.

Learned counsel for the petitioner contends that the petitioner is a first offender and had faced a protracted trial for about twenty one years as the incident is of September 1992 and the petitioner had remained in custody for about 8 ½ months out of 2 years. He further states that petitioner's son is 80% disabled. He refers to the disability certificate placed on record today. He also urges that ultimately the petitioner had not taken any benefit of the document nor had secured the job. He further contends that the

sentence of the petitioner may be reduced to the period already undergone by him.

The State counsel has opposed the prayer and submits that the Courts below has already taken a lenient view.

As the prayer made by the petitioner is restricted only to the sentence, therefore, the findings recorded by the Courts below convicting the petitioner are affirmed. Even otherwise the prosecution had proved its case. As regards the prayer for reduction of sentence is concerned, the incident is of the year 1992, the petitioner was convicted by the trial Court and his appeal was dismissed by the Sessions Court on 21.07.2005. The petitioner remained in custody for about 8 ½ months.

Considering the fact that the petitioner has been suffering the agony of this case for the last more than twenty one years and he is a first offender, I am of the view that ends of justice would be met in case the sentence awarded to the petitioner under Sections 420, 467, 468, 471 IPC is reduced to already undergone. There would be no modification in the fine. With the above said modification, the revision petition is disposed of.

November 18, 2015

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**(ANITA CHAUDHRY)
JUDGE**