334 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1) **CRR No.86 of 2006 (O&M)**
Decided on : 8.10.2015.

Jarnail Singh

...Petitioner

Versus

State of Punjab

...Respondent

(2) **CRR No.87 of 2006 (O&M)**

Balkar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : **Hon'ble Mr. Justice Jitendra Chauhan**

Present : Mr. Rakesh Nagpal, Advocate,
for the petitioner in CRR No. 86 of 2006.

Mr. S.S. Sodhi, Advocate and
Mr. R.S. Dhaliwal, Advocate,
for the petitioner in CRR No. 87 of 2006.

Mr. Mehardeep Singh, DAG, Punjab.

JITENDRA CHAUHAN, J.

This judgment shall dispose of afore-mentioned two revision petitions bearing CRR No.86 of 2006 and CRR No. 87 of 2006 as these have arisen out of common judgment dated 3.1.2006 passed by the Additional Sessions Judge (Adhoc), Fast Track Court, Sangrur and the judgment and the order dated 16.7.2003 passed by the Judicial

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Magistrate Ist Class, Sunam.

The case of the prosecution as noticed in the judgment of Additional Sessions Judge is as under:-

> "On 17.4.1989 an application was moved by Nirmal Singh, Bhupinder Singh, Karnail Singh and Saudagar Singh against the Halqa Patwari and other officials on the ground that on account of flood in the year 1988 in village Mandi on the banks of river Ghagar, almost the entire crop of the villagers were damaged and large number of houses of the village had fallen down. The Halqa Patwari was directed to effect girdari with regard to the damage and as per directions, wheat weighing 410 qtls was allocated to village Mandvi for disbursement among the sufferers whose crops were damaged and wheat seed was allotted to different persons on the basis of disbursement. The Halqa Patwari in connivance with others prepared false record of disbursement and forged certain entries in the register, but the what was not disbursed. To some persons no wheat was disbursed and to some, less than entitlement was given but they were asked to put their thumb impressions against the actual entitlement. But the concerned Patwari had prepared false entries in the

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register and forged thumb impressions of affected persons in the register. For example, Nirmal Singh who was entitled to 25 qtls. Wheat seed was given only 13 qtls. Whereas the remaining wheat seed was misappropriated by the Patwari along with others. No wheat was disbursed to Bahadur Singh, Piara Singh, Sohan Singh, Shingara Singh and Bhupinder Singh, whereas fictitious thumb impression against their entries with regard to the seed of wheat were obtained. The what which was to be given to Saudagar Singh, Inderjit, Ram Piyari, Ajmer Singh, Gurnam Singh and Bachan Singh etc. was misappropriated. Similarly, the disbursement assessment register contains the fictitious thumb impression of one Jaswinder Singh who was entitled to 2 qtls of wheat whereas the said Jaswinder Singh is a graduate and he only signs. As a result of this complaint, the present FIR under Sections 409, 420, 467, 468, 120-B IPC was registered against Lakha Singh, Harnam Singh and Balkar Singh Numberdar."

After investigation, challan/report under Section 173 Cr.P.C was presented in the Court. The accused were charge-sheeted.

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The trial was held. The learned trial Court, vide the impugned judgment and the order, convicted and sentenced the accused as under:-

Offence	Sentence	Fine	In default
406/120-B IPC	RI for one year	Rs.1000/-	RI for 1 month
467/120-B IPC	RI for one year	Rs.1000/-	RI for 1 month

Both the sentences were ordered to run concurrently.

Vide the impugned judgment dated 3.1.2006, the appeal preferred by the accused/petitioners was dismissed and the conviction was upheld.

Feeling dis-satisfied with both the impugned judgments and order, the petitioners have filed the present revision petitions which were admitted on 16.01.2006.

It is worth mentioning here that the revision petition filed by the co-accused, Lakha and Harnam Singh stands dismissed by this Court vide judgment dated 17.3.2009 passed in CRR No. 51 of 2006.

Learned counsels for the petitioners do not challenge the judgments of conviction on merits rather, he prays for taking a lenient view in the matter of sentence.

Learned counsel for Jarnail Singh, petitioner, submits that Jarnail Singh is terminally sick. He is 75 years old. He refers to treatment chart of the petitioner which is taken on record as Mark-A. He further submits that the petitioner is getting treatment from Dayanand Medical College & Hospital, Ludhiana wherein he is

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undergoing Dialysis.

The State of Punjab was directed to verify the assertions raised. On verification, learned State counsel, on instructions from ASI Balbir Sharma, states that Jarnail Singh, petitioner, is more than 75 years of age and is under treatment with DMC & Hospital, Ludhiana. It is correct that he is undergoing Dialysis on account of renal problem and as per the information collected from the treated doctors, he is terminally sick.

Keeping in view the health status of the petitioner, the Court is inclined to take a lenient view with regard to quantum of sentence. Accordingly, this Court is of the opinion that the ends of justice would be sufficiently met, in case, the sentence of the petitioner is reduced to the period already undergone. It is ordered accordingly. However, the petitioner is directed to pay Rs.50,000/- to the State as litigation expenses.

Learned counsel for Balkar Singh, petitioner, states that he is more than 80 years old. On instructions given by the Court, verification with regard to his age was carried out. As per verification carried out by ASI Balbir Sharma, the age of Balkar Singh, as recorded in the Aadhar card, is 80 years. His date of birth is 1.1.1935. To satisfy the conscious of the Court, the Reporting Officer has prepared a video clip after verification by the respectable of the village.

The petitioner appears to be very weak and infirm person. In the peculiar circumstances, the Court is inclined to take a

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lenient view regarding sentencing. Therefore, the sentence of the petitioner is reduced to the period already undergone by him subject to payment of Rs. 50,000/- to the State as litigation expenses. The said amount shall be paid within four months from today, failing which this revision shall be deemed to be dismissed.

Except the modifications indicated above, both the revision petitions stand dismissed.

8.10.2015. (**JITENDRA CHAUHAN)**
SN **JUDGE**

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