

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

Criminal Revision No.790 of 2007
Date of decision: December 02, 2015

Joginder Singh

-----Petitioner (s)

V/s

State of Punjab

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

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. Daldeep Singh Shukarchalia, Advocate for the petitioner.

Mr. R.S. Nain, AAG, Punjab.

HARI PAL VERMA, J.(Oral)

Petitioner has filed the present revision petition challenging the judgment dated 24.04.2007, whereby learned Additional Sessions Judge, Fast Track Court, Gurdaspur, has dismissed the appeal filed against the judgment of conviction and order of sentence dated 21.09.2002 passed by Judicial Magistrate, First Class, Batala,

The learned Magistrate, vide his judgment of conviction and order of sentence dated 21.09.2002, has convicted the petitioner for offence punishable under Sections 420, 467, 468 and 471 IPC and sentenced him as under:-

<i>Sr. No.</i>	<i>Name of the accused/petitioner</i>	<i>U/s</i>	<i>RI</i>	<i>Fine</i>	<i>In default</i>
1	Joginder Singh	420 IPC	Two years	Rs.100/-	Two Months
2	-do-	467 IPC	Two years six months	Rs.125/-	Two Months
3	-do-	468 IPC	Two years	Rs.125/-	Two` Months
4	-do-	471 IPC	Two years six months	Rs.50/-	Two Months

All the sentences were ordered to be run concurrently.

Aggrieved against the judgment of conviction and order of sentence dated 21.09.2002 passed by the Judicial Magistrate, First Class, Batala, the accused/petitioner preferred an appeal before learned Additional Sessions Judge, Fast Track Court, Gurdaspur. The learned Appellate Court, Gurdaspur, vide judgment dated 24.04.2007, though has dismissed the appeal, but reduced the sentence to one and half years for all the above mentioned offences. However, sentence of fine was maintained.

To challenge the judgments and order of the Courts below, the petitioner has now come up before this Court by way of instant criminal revision petition under Sections 397/401 Cr.P.C.

During the course of arguments, learned counsel for the petitioner restricted his prayer to the quantum of sentence awarded to the petitioner. He contends that the Courts below have convicted and sentenced the petitioner on account of withdrawal of total amount of ₹800/- from the bank account of his brother-in-law, namely, Mangta Singh. He also contends that in fact, the said withdrawal was because of his close relation with the complainant-Mangta Singh. The sister of the petitioner was staying in India, whereas her husband i.e. complainant, namely, Mangta Singh was residing abroad.

Learned counsel for the petitioner has not disputed the conviction of the petitioner and has prayed that the petitioner is a close relative of the bank holder i.e. his brother-in-law-Mangta Singh, at whose behest, the complaint was made. As against the awarded sentence of one year and six months to the petitioner, he remained in custody for a period of 04 months, 14 days and even there is no other case registered against him. Even the withdrawal amount of is Rs.800/- and petitioner is suffering the agony of trial for the last about 23 years.

Learned counsel for the State has filed the custody certificate, which is taken on record and the custody of the petitioner, as narrated by counsel for the petitioner has not been disputed.

I have heard learned counsel for the parties and have gone through the case file.

It is contended on behalf of the petitioner that the petitioner has already spent 04 months and 14 days in custody and he is the first offender apart from the fact that he is in close relation with the original complainant- Mangta Singh and is facing the agony of trial for the last about 23 years.

In these circumstances, while maintaining the findings of the conviction, as recorded by the learned trial Court and affirmed by the learned Appellate Court, order of sentence is modified and sentence awarded to the petitioner is reduced to the period undergone by him. However, the amount of fine is enhanced to Rs.5,000/- to be paid by the petitioner within one month from today, failing which, the present petition shall deemed to be dismissed *in toto*.

With the aforesaid modification in the order of quantum of sentence, the instant petition fails and is dismissed.

December 02, 2015
Anjal

(HARI PAL VERMA)
JUDGE