

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

Crl. Rev. No.3370 of 2013

Date of Decision: 25.08.2015

Manjit Singh

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Narinder Kumar Vadehra, Advocate
for the petitioner.

Mr. Rupam Aggarwal, D.A.G., Punjab
for the respondent-State.

DAYA CHAUDHARY, J.

The present revision petition has been filed by the accused petitioner to challenge the judgment of conviction dated 07.01.2011, whereby, he has been convicted and sentenced for offence punishable under Sections 420, 465, 468 and 471 IPC in case FIR No.154 dated 30.10.2004 registered at Police Station Dinanagar.

The said judgment of trial Court was also upheld by the Additional Sessions Judge, Fast Track Court, Gurdaspur vide judgment dated 01.08.2013.

Learned counsel for the petitioner submits that the judgment of conviction and order of sentence passed by both the Courts below is contrary to the evidence available on record. He further submits that there was no evidence on record to show that the petitioner had forged the documents of Truck bearing Registration No.HP-38-4231. Learned counsel further submits that the documents were not sent for comparison and in the absence thereof, the benefit goes in favour of accused-petitioner. Learned counsel also submits that no witness has been examined by the

prosecution to prove that the documents allegedly recovered from the petitioner are forged. The FIR was registered on the basis of secret information, whereas, no independent witness was joined. It is not a case, whereby, any independent witness has refused to join the police authority and even then also the statement of any of the member of the Village or Member Panchayat was not recorded at the time of recovery. The truck was handed over to MHC by arranging another driver but neither the name of any alleged driver was there nor that driver was examined by the prosecution. It is also the argument of learned counsel for the petitioner that there are material improvements in the statements of prosecution witnesses. There was no corroboration to the statement of the complainant and no evidence to connect the petitioner with the alleged offence was there. At the end, learned counsel for the petitioner submits that the petitioner is the only bread winner of his family and is facing trial for the last more than eight years. He also submits that the petitioner, while remaining on bail during trial, never misused the concession of bail. Learned counsel prays for taking a lenient view and submits that in case, the sentence of the petitioner is reduced to the period already undergone i.e more than 10½ months, he will not contest the conviction.

Learned counsel for the respondent-State has not disputed the custody period.

Heard the arguments of learned counsel for the parties and have also gone through the documents available on record.

Admittedly, the petitioner faced trial in case FIR No.154 dated 30.10.2004 registered under Sections 420, 465, 468 and 471 IPC at Police Station Dinanagar. He was convicted by the trial Court vide its judgment dated 07.01.2011 and was sentenced to undergo rigorous imprisonment for a period of three years with a fine of ₹ 3,000/- with default clause for

offence punishable under Section 420 IPC; rigorous imprisonment for a period of two years with fine of ₹ 2000/- with default clause under Section 465 IPC; rigorous imprisonment for a period of three years with fine of ₹ 3,000/- with default clause for offence punishable under Section 468 IPC and rigorous imprisonment for a period of two years with fine of ₹ 2,000/- with default clause for offence punishable under Section 471 IPC.

The said judgment of the trial Court was challenged before the Additional Sessions Judge, Fast Track Court, Gurdaspur in appeal but the same was dismissed on 01.08.2013 and the judgment of conviction and order of sentence passed by the trial Court was upheld.

Although, learned counsel for the petitioner has raised various arguments in support of his contention while assailing the judgments of both the Courts below but ultimately, he has restricted his prayer qua quantum of sentence on the ground that the petitioner being first offender and the sole bread winner of his family, would not contest the conviction, in case, his sentence is reduced to the period already undergone. Keeping in view the fact that the petitioner is facing trial since lodging of FIR i.e 30.10.2004 and has undergone actual custody of more than 10½ months and it is not a case that he has misused the concession of bail during trial, his request is accepted. The conviction of the petitioner as awarded by the Courts below is upheld and his sentence is reduced to the period already undergone.

Accordingly, the present revision petition is disposed of with the said modification of sentence.

25.08.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE