

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRR No. 1202 of 2014 (O&M)
Date of Decision: 11.5.2015

Santa Singh --Petitioner

Versus

State of Punjab --Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Raman Goklaney, Advocate for the petitioner.

Mr. Nikhil K. Chopra, D.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

Petitioner Santa Singh was convicted for offence under sections 420, 467, 468, 471 I.P.C by the court of S.D.J.M., Jalalabad (West) and was sentenced as under:-

Name of convict	Offence	Sentence
Santa Singh	420 IPC	Rigorous imprisonment for a period of two years and fine to the tune of Rs.1000/- in default of payment of fine to undergo further rigorous imprisonment for a period of 15 days.
	467 IPC	Rigorous imprisonment for a period of two years and fine to the tune of Rs.2000/- in default of payment of fine to undergo further rigorous imprisonment for a period of one month.
	468 IPC	Rigorous imprisonment for a period of two years and fine to the tune of Rs.1000/- in default of payment of fine to undergo further rigorous imprisonment for a period of 15 days.
	471 IPC	Rigorous imprisonment for a period of two years and fine to the tune of Rs.1000/- in default of payment of fine to undergo further rigorous imprisonment for a period of 15 days.

Appeal having been preferred the same has been partly accepted vide judgement dated 11.12.2013, passed by the learned Additional Sessions Judge, Fazilka in terms of which the petitioner has been acquitted of the charges framed under sections 467, 468 and 471 I.P.C but his conviction under section 420 I.P.C has been upheld.

The instant revision petition is directed against the judgement dated 11.12.2013, passed by the learned Additional Sessions Judge, Fazilka.

During the course of arguments learned counsel appearing for the petitioner submits that he is not assailing the judgement of conviction on merits and only prays for reduction of sentence.

Suffice it to notice that prosecution was initiated on the complaint of Tehsildar-cum-Sub Registrar, Jalalabad with the allegations that the present petitioner had presented a sale deed bearing Indenture No.3472 dated 14.9.2005 executed by him in favour of Janak Raj before the Naib Tehsildar concerned for registration purposes. The said sale deed pertained to land comprised in khewat no.37 killa no.9 (8-0), 12 (8-0). Suspicion having been aroused the Halqa Patwari was called to the office and the copies of jamabandi presented by the vendor and the vendee were compared with the original jamabandi for the year 2003-04 of village Sukhera. It was found that copy of jamabandi produced by the vendor and vendee did not bear mention of the note that the land in question could not be alienated/mortgaged for a period of 20 years. Halqa Patwari suffered a statement that the copy of jamabandi produced before the Naib Tehsildar does not bear his signatures and the copy of jamabandi placed reliance upon by the vendor bears forged signatures.

On 5.12.2014 sentence of the petitioner had been suspended during pendency of the instant revision petition by observing that he had already undergone incarceration for a period of 1 year, 1 month and 7 days including remission of 2 months and 15 days as on 25.10.2014 out of the substantive sentence of 2 years.

Having heard learned counsel for the parties, this Court is of the considered view that there are sufficient mitigating circumstances to accept the submission made by learned counsel for the petitioner for reduction of sentence. The petitioner is stated to be a senior citizen. He has already faced the pangs of criminal proceedings for a period of almost 9 years. As per custody certificate the petitioner is not involved in any other case and as such, is a first time offender. That apart, sentence of the petitioner having been suspended by this Court vide order dated 5.12.2014, he is stated to have not misused the concession of bail thereafter.

Accordingly, the order of conviction passed against the petitioner is affirmed and the sentence of rigorous imprisonment is reduced to the period of imprisonment already undergone. The fine of Rs.1,000/- imposed by the Trial Court be deposited within a period of one month, if, not already paid.

With such modification in the matter of sentence, the revision petition stands disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

11.05.2015
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