

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

**CRR No.1513 of 2015 (o&M)**  
**Date of Decision: 17.11.2015**

**Sital Singh**

...Petitioner(s)

**Versus**

**State of Punjab**

...Respondent(s)

**CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY**

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? No

Present: Mr. H.S. Jalal, Advocate  
for the petitioner.

Mr. Deep Singh, A.A.G. Punjab.

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**ANITA CHAUDHRY, J.**

1. Through this petition, the revisionist has challenged his conviction under Section 420 IPC. The conviction was recorded in FIR No. 273 lodged on 27.12.2006 at Police Station Banga, District SBS Nagar. The Judicial Magistrate Ist Class, SBS Nagar convicted the petitioner and sentenced him to undergo rigorous imprisonment for a period of 3 years along with a fine of Rs.500/- for commission of the offence under Section 420 IPC, vide order of conviction and sentence dated 16.09.2013. In default of payment of fine, he was to undergo further rigorous imprisonment for a period of two months. The judgment was affirmed by the Sessions Judge, SBS Nagar, vide order dated 26.08.2014. Aggrieved with both the verdicts, the accused has preferred the instant petition.

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

3. During the course of arguments, learned counsel for the petitioner had submitted that he confined his submissions to the quantum of sentence imposed upon the petitioner.

4. The counsel for the petitioner contends that the petitioner is a first offender and had faced a protracted trial of about nine years as the incident is of December, 2006 and the petitioner had remained in custody for over 01 year and 05 months. Learned counsel for the petitioner contends that the sentence of the petitioner may be reduced to the period already undergone by him.

5. The State counsel has opposed the prayer and submits that convict-petitioner was entrusted with an amount of Rs.40,000/- by Dilbagh Singh and Jagdev Kumar to provide them Government Job but he misappropriated the said amount for his personal use and thereby committed criminal breach of trust and cheated the complainant and the Courts below have already taken a lenient view.

6. 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.

As regards the prayer of reduction of sentence is concerned, the incident is of the year 2006. The petitioner

was convicted by the trial Court vide judgment dated 16.09.2013. His appeal was dismissed by the Sessions Court on 26.08.2014. The petitioner has remained in custody for over 01 year and 05 months. Considering the fact that the petitioner has been suffering the agony of this case for the last more than 8½ years and he is the first offender, I am of the view that ends of justice would be met in case the sentence awarded to the petitioner under Section 420 IPC is reduced to 1½ year.

Thus, partly allowing the revision, the sentence awarded under Section 420 IPC is reduced to 1½ year. There would be no modification in the fine.

With the above said modification, the revision petition is disposed of.

**(ANITA CHAUDHRY)**  
**JUDGE**

17.11.2015

*'Sunil Sehgal'*