

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Revision No.1775 of 2015

Date of Decision: July 03, 2015

Dilbag Singh son of Bohar SinghPetitioner

Versus

State of Punjab and anotherRespondents

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

Present: Ms.Divya Sharma, Advocate for the petitioner.

Mr.Mikhail Kad, Assistant Advocate General, Punjab.

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TEJINDER SINGH DHINDSA, J.

In terms of order dated 3.5.2012 passed by the Judicial Magistrate Ist Class, Malout, the petitioner was convicted for the offence under Section 420 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of ₹2,000/-, and in default of payment thereof, to further undergo rigorous imprisonment for a period of three months. In an appeal having been preferred, vide judgment dated 2.12.2014 passed by the learned Sessions Judge, Sri Muktsar Sahib, conviction of the petitioner has been upheld but the sentence has been modified and thereby reduced to rigorous imprisonment for a period of one year along with fine of ₹2,000/-.

2. Being aggrieved of his conviction under Section 420

of the Indian Penal Code by both the Courts below, the instant revision petition has been preferred.

3. Prosecution version, in brief, was that the complainant Jagtar Singh owned 9 Acres of land in village Enna Khera adjoining to the land of the accused/present petitioner. On 27.6.2004, the petitioner had met the complainant and had told him that he was in need of money and as such, disclosed his intention to sell his land. On the next day, complainant is stated to have gone to the house of the accused and deal was finalized for sale of land of the accused/present petitioner, measuring 1 kanal 8 marlas, for a sale-consideration of ₹31,500/-. Subsequently, sale deed was got executed. Complainant Jagtar Singh, upon approaching the Halqa Patwari for sanction of mutation on the basis of the sale-deed, came to know that accused Dilbag Singh had already transferred the said land in favour of his son Lovepreet Singh and mutation had also been got sanctioned.

4. On the basis of preliminary evidence, accused was summoned under Sections 420, 34 of the Indian Penal Code. Complainant led pre-charge evidence, on the basis of which charge-sheet was issued against the present petitioner, to which he pleaded not guilty and claimed trial. Trial Court after appreciating the evidence adduced on record convicted and sentenced the present petitioner/accused as afore-noticed. In appeal, the Appellate Court has maintained the conviction of the petitioner but has reduced the sentence from two years rigorous imprisonment to a period of one year.

5. After having gone through the records of the case and having heard learned counsel for the parties, this Court is of the considered view that in view of the plausible and consistent evidence brought on record by the prosecution, the learned Courts below have rightly recorded the conviction of the petitioner. Finding no scope to interfere in the judgment of conviction in exercise of the revisional jurisdiction, this Court has no hesitation to conclude that the impugned judgments of conviction deserve to be upheld. Accordingly, conviction of the petitioner is upheld.

6. However, this Court is further of the view that there are sufficient mitigating circumstances in the light of which a lenient view can be taken as regards quantum of sentence.

7. Petitioner is an agriculturist and the complainant was a Commission Agent. PW2 and PW3 i.e. the Registration Clerk and Halqa Patwari, respectively, had deposed that on the date of execution of the sale-deed, Exhibit P1, the complainant had been informed that the accused/present petitioner was not the owner of the said land.

8. As per custody certificate furnished by the learned State counsel, the petitioner has already undergone a total sentence period of six months against the substantive sentence awarded of one year rigorous imprisonment, as on 27.5.2015. In other words, as of date, the petitioner has already undergone a sentence period in excess of seven months. He is not stated to be involved in any other criminal proceedings.

9. For the reasons recorded above, the present revision

petition is dismissed insofar as conviction of the petitioner is concerned. However, the sentence of the petitioner is ordered to be reduced to the period already undergone by him. Fine, if not already paid, be deposited and the petitioner thereafter be released forthwith.

10. Petition disposed of in the aforesaid terms.

July 03, 2015
SRM

(TEJINDER SINGH DHINDSA)
JUDGE

Note: Whether to be referred to Reporter? (Yes/No)