

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Revision No.1783 of 2015(O&M)

Date of Decision: August 03, 2015

Jaggar Singh and others.....Petitioners

Versus

State of Punjab.....Respondent

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

Present: Mr.Gurmeet Singh Saini, Advocate for the petitioners.
Mr.Mikhail Kad, Assistant Advocate General, Punjab.

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TEJINDER SINGH DHINDSA, J.

In the light of judgment of conviction and order of sentence dated 7.11.2013 passed by the Judicial Magistrate Ist Class, Sunam, the petitioners stand convicted and awarded sentence as under:

Jaggar Singh

Under Section	To undergo Rigorous Imprisonment for a period of	Fine	In default of payment of fine RI
419 IPC	Three years	Five hundred	Ten days
420 IPC	Three years	Five hundred	Ten days
468 IPC	Three years	Five hundred	Ten days
465 IPC	Two years	Five hundred	Ten days
471 IPC	Two years	Five hundred	Ten days
120-B IPC	Two years	---	---

Nahar Singh

Under Section	To undergo Rigorous Imprisonment for a period of	Fine	In default of payment of fine RI
419 IPC	Three years	Five hundred	Ten days
420 IPC	Three years	Five hundred	Ten days
468 IPC	Three years	Five hundred	Ten days
465 IPC	Two years	Five hundred	Ten days
471 IPC	Two years	Five hundred	Ten days
120-B IPC	Two years	---	---

Jagroop Singh

Under Section	To undergo Rigorous Imprisonment for a period of	Fine	In default of payment of fine RI
419 IPC	Three years	Five hundred	Ten days
420 IPC	Three years	Five hundred	Ten days
468 IPC	Three years	Five hundred	Ten days
465 IPC	Two years	Five hundred	Ten days
471 IPC	Two years	Five hundred	Ten days
120-B IPC	Two years	---	---

2. Appeal having been preferred, the same has been partly accepted vide judgment dated 22.4.2015 passed by the learned Additional Sessions Judge, Sangrur whereby petitioners have been acquitted of the charges framed under Sections 420 and 465 of the Indian Penal Code, but their conviction under Sections 120-B, 419, 465 and 471 of the Indian Penal Code has been upheld. The modified order of sentence passed by the lower appellate Court for each of the petitioners is as follows:

Under Section	To undergo Rigorous Imprisonment for a period of	Fine	In default of payment of fine RI
419 IPC	One year	Five hundred	Ten days
465 IPC	One year	Five hundred	Ten days
471 IPC	One year	Five hundred	Ten days
120-B IPC	One year	One thousand	Ten days

3. The sentences were directed to run concurrently.
4. The instant revision petition is directed against the judgment dated 22.4.2015 passed by the learned Additional Sessions Judge, Sangrur.
5. Learned counsel for the petitioners, at the very outset, submits that he is not assailing the judgment of conviction on merits and only prays for reduction of sentence.
6. As per custody certificate produced by the learned State counsel, the petitioners have already undergone a custody of 2 months and 15 days as on 7.7.2015. In other words, as of date, the petitioners have undergone a total custody period of about 3-1/2 months.
7. Suffice it to notice that prosecution was initiated on the basis of a report dated 19.6.2007 of the Sub Divisional Magistrate, Sangrur to Tehsildar, Sunam to the effect that the present petitioners had filed an appeal against an order of partition before Sub Divisional Magistrate, Sunam on 13.7.2006 on the ground that the order dated 30.3.2006 passed by the Assistant Collector Ist Grade (Tehsildar) was wrong and liable to be set aside. The counsel who had appeared on behalf of some of the respondents had moved an application in the Court of Sub Divisional Magistrate stating that Nazir Singh and Bhur Kaur who

were arrayed as appellants in the appeal filed before Sub Divisional Magistrate, Sunam, had already expired and to substantiate such assertion, the death certificates of both the appellants, namely, Nazir Singh and Bhur Kaur had been placed on record. Thereafter, statement of Jaggar Singh (petitioner herein) was recorded and who admitted the factum of death of Nazir Singh and Bhur Kaur at the time of filing of the appeal. Allegation was with regard to Jaggar Singh having affixed the thumb impressions of Nazir Singh and Bhur Kaur and inspite of being in the knowledge of their demise and as such, having committed a fraud with the Court.

8. The appellate Court after appreciating the evidence adduced on record has convicted and sentenced the present petitioners/accused as aforenoticed. This Court finds no scope to interfere in the judgment of conviction while exercising the revisional jurisdiction. The impugned judgment dated 22.4.2015 of the learned Additional Sessions Judge, Sangrur is, accordingly, upheld.

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

10. The petitioners herein are in advanced stage and are poor agriculturists. They have faced the pangs of trial and subsequently, in appeal for the last about eight years. As per custody certificates, the petitioners are not involved in any other case and as such, first offenders. Even as per facts of the case, no evidence was led to show that any wrongful gain was made by

the accused/petitioners or any wrongful loss was caused to the party opposite.

11. Accordingly, the order of conviction passed against the petitioners is affirmed and sentence of rigorous imprisonment is reduced to the period of imprisonment already undergone. The petitioners be released forthwith if not required in any other case subject to deposit of fine, if not already paid.

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

August 03, 2015

SRM

(TEJINDER SINGH DHINDSA)
JUDGE

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