IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH.

CRR 1854 of 2014

Date of Decision: January 29, 2015

John Almash

…..Petitioner

Vs.

State of Haryana

…..Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.Anirudh Kush, Advocate
for the petitioner.

Mr. M.S. Sidhu, Addl.A.G., Haryana.

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M.M.S. BEDI, J. (ORAL)

Petitioner has been convicted for having committed offence under Sections 406, 420, 467, 468, 471, 419, 120-B IPC and sentenced to undergo SI for three years and also to pay a fine of Rs.500/- and in default of payment of fine to further undergo simple imprisonment for a period of one month, alongwith others in a case registered on the basis of information that petitioner alongwith other co-accused had constituted a gang and indulged in cheating general public. The FIR was registered on the basis of information supplied by Chief Manager, OBC, disclosing that Rajinder Singh has opened a fictitious account in OBC with forged document of residence and that on March 22, 2012 a message had been received in the branch of OBC, Panchkula from Amritsar Branch to the effect that its customer Malli Ram Jewellary House had issued a cheque in the name of Rajinder Singh in lieu of installation of machine but Rajinder Singh tried to withdraw some amount from the account of Malli Ram by opening account in some other bank despite the fact that machine had not been installed. Petitioner was arrested on May 12, 2012. During the course of investigation it transpired that petitioner alongwith Lalit Jha had got prepared forged documents in the name of co-accused Sonu Kumar under fictitious name of Rajinder Singh showing wrong address besides forging driving licence. The petitioner alongwith others had opened an account in OBC, Chandigarh, PNB, Sector 45, Chandigarh, Bank of Baroda, HDFC Bank and Axis Bank. Petitioner in connivance with others had got printed business cards in the name of Prizn Siti Marketing and started contacting jewellers of Chandigarh and Punjab. The accused used to offer installing debit card machines at cheap rates and on easy instalments. They were in possession of a pen with special ink which can be erased when heated. They used to obtain cheques from jewellers with word 'cancelled' inscribed on them with their pen. During investigation and recording of statements of witnesses, it transpired that the petitioner alongwith other persons obtained the cancelled cheques from different persons and erased the word 'cancelled' and had obtained the money mentioned in the cheques.

On appreciation of evidence both the Courts have convicted the petitioner and others to undergo SI for three years under Sections 406, 419 420, 467, 468, 471, 120-B IPC.

It has been informed that photocopy of the record has been received.

After hearing counsel for the petitioner and going through the record, keeping in mind the reformatory approach, I am of the considered opinion that petitioner having faced the trial for the last about three years, ends of justice would be adequately met in case he is sentenced to undergo RI for 2 years and 6 months for offence under Sections 420, 467, 468, 471 IPC by enhancing the fine to Rs.30000/- and in case of default of payment of fine, the petitioner will undergo SI for three months. So far as conviction and sentence under Sections 406, 419 and 120 B IPC are concerned, the same is upheld.

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

January 29, 2015 (M.M.S.BEDI)
sanjay JUDGE