

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.208 of 2015 (O&M)

Date of Decision: January 21, 2015

Rajiv Kumar and another

...Petitioners

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Neeraj Kumar, Advocate
for the petitioners.

INDERJIT SINGH, J.

Petitioners have filed this revision petition under Section 401 Cr.P.C. against State of Haryana respondent challenging the impugned judgment of conviction dated 03.06.2013 and order of sentence dated 04.06.2013 passed by learned Addl. Chief Judicial Magistrate, Rohtak and judgment dated 08.01.2015 passed by learned Addl. Sessions Judge, Rohtak.

Learned Addl. Chief Judicial Magistrate, Rohtak convicted and sentenced the petitioners under Sections 419 and 420 IPC and sentenced them to undergo rigorous imprisonment for a period of one year each and to pay a fine of ₹500/- each and in default of payment of fine, to further undergo rigorous imprisonment for a period of one month each under each Section. Aggrieved from the above judgment and order, petitioners filed an appeal before learned Addl. Sessions

Judge, Rohtak and in the appeal, learned Addl. Sessions Judge, Rohtak upheld the judgment of conviction but reduced the sentence of Rajiv Kumar from rigorous imprisonment of one year to simple imprisonment for a period of six months under each Section whereas the sentence of Sandeep Dangi was reduced to simple imprisonment for a period of six months from one year rigorous imprisonment under Section 420 IPC and he was acquitted of charge under Section 419 Cr.P.C.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

The brief facts of the case are that FIR was registered upon receipt of a report Ex.PW1/A on the allegations that on 24.07.2005, a B.Ed. entrance examination was held. When Professor C.B.Sheoran, M.D.University Rohtak along with Dr.Amar Singh being member of the Committee were having a round of the centre, found accused Rajiv Kumar giving the examination of B.Ed entrance in place of co-accused Sandeep Dangi under Roll No.508540. Accused Rajiv Kumar impersonated himself as Sandeep. The booklet and the answer book along with answer sheet were taken into possession and frivolous examinee was handed over to the Centre Superintendent. The matter was reported to the police and petitioner Rajiv Kumar was apprehended on the spot. After necessary investigation, challan was presented against both the petitioners.

In support of its case, prosecution examined PW-1 Dr.Amar Singh, PW-2 Kashmiri Lal Kataria, PW-3 Dr.K.K.Maan, PW-4

Dr.C.B.Sheoran, PW-5 Dharam Singh, Inspector, PW-6 SI Udaybir Singh, Investigating Officer and PW-7 SI Shri Krishan.

At the time of arguments, learned counsel for the petitioners argued that identity of the petitioners has not been proved. This argument of learned counsel for the petitioners has no force. When one of the revision petitioner was apprehended on the spot, namely Rajiv Kumar, who was impersonating for co-accused in the B.Ed. entrance examination and was arrested by the police, then there is no dispute regarding identity. Further, from the findings of trial Court, I find that both the revision petitioners have refused to give their handwriting, therefore, adverse inference has been rightly taken against them.

Furthermore, PWs have deposed consistently regarding prosecution version and there is no illegality in the judgments passed by the courts below nor in any way, the judgments can be held as perverse. Nothing has been pointed out as to which material evidence has been misread or which material evidence has not been considered by the Courts below. It is a revision petition and in the revision petition, this Court is not to re-appreciate the evidence like Court of an appeal. This Court is only to see whether any illegality has been committed by the Courts below or the judgments are perverse or some material evidence has been misread or not considered by the Courts below.

In view of the above discussion, I find the impugned judgments passed by the Courts below are correct, as per law and do

not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

January 21, 2015
Vgulati

(INDERJIT SINGH)
JUDGE