

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CRR-2561-2014(O&M)
Decided on:10.02.2015

Harish PalPetitioner

vs.

State of PunjabRespondent

CORAM HON'BLE MS. JUSTICE REKHA MITTAL

Present Mr.M.L.Singla, Advocate for the petitioner.
Mr. Ankur Jain, AAG, Punjab.

REKHA MITTAL, J (ORAL)

Through the present petition, the petitioner has challenged his conviction and sentence for offence punishable under Section 409 IPC.

On August 25, 2014, notice of motion was issued only qua parties to be heard on quantum of sentence.

Counsel for the petitioner contends that the petitioner is in custody since disposal of the appeal affirming the judgment passed by the trial Court against him. He has also suffered custody for a period of more than six months as an under trial. The petitioner retired from service in the year 2005 and by now he is nearing 70 years of age. There is no other criminal case registered much less pending against him. It is prayed that substantive sentence of two years may be reduced to the period already undergone as he has suffered custody for a period of more than one year.

Counsel for the State has not disputed factual assertion but opposed the prayer for reduction of sentence with the submission that keeping in view the gravity of allegations, the petitioner does not deserve any indulgence of this Court.

The criminal proceedings were registered against the petitioner in September 2005 in regard to misappropriation of funds in the discharge of his official function as he was working as Block Primary Education Officer at the relevant time. The petitioner has suffered agony of criminal proceedings for the past about 10 years. He has suffered actual sentence, as per custody certificate, for a period over one year as an under trial and a

convict. The petitioner is a senior citizen as he retired from service in the year 2005.

Keeping in view cumulative effect of facts and circumstances discussed hereinabove, substantive sentence awarded to the petitioner is reduced to rigorous imprisonment for a period of one year and six months. The sentence of fine shall remain intact.

Petition stands disposed of.

10.02.2015
mamta

(REKHA MITTAL)
JUDGE