

220

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.2941 of 2014 (O&M)

Date of Decision: 19.05.2015

SONU KUMAR

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vishal Nehra, Advocate
for the petitioner.

Mr. Pradeep Prakash Chahar, D.A.G., Haryana.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

RAJ MOHAN SINGH, J. (Oral)

CRM No.28844 of 2014

For the reasons recorded in the application delay of 4 days
in filing the revision petition is condoned.

Application stands disposed of.

CRR No.2941 of 2014 (O&M)

[1]. In this revision petition judgment dated 11.06.2014 passed
by Additional Sessions Judge, Panchkula confirming and upholding
the judgment of conviction and order of sentence passed by Judicial
Magistrate Ist Class, Panchkula has been assailed.

[2]. Three accused namely Sonu Kumar, Hari Om and John

Almash were tried for the offences under Sections 406/419, 420, 467, 468, 471, 419, 120-B IPC and were sentenced to undergo 3 years of simple imprisonment along with fine of Rs.500/- each along with default clause of further undergoing simple imprisonment in the event of non-payment of fine for the period of one month.

[3]. The allegations of cheating have been made against petitioner along with others on the ground that petitioner along with co-accused by constituting a gang was indulged in cheating general public. The FIR was registered on the basis of information supplied by Chief Manager, Oriental Bank of Commerce alleging that Rajinder Singh opened a fictitious bank account with forged proof of residence. Message was received in the Bank on 22.03.2012 from Amritsar Branch that its customer Malli Ram, Jewellery House had issued a cheque in the name of Rajinder Singh in lieu of installation of machine. However, Rajinder Singh tried to withdraw the amount from the account of Malli Ram by opening account in some other Bank despite the fact that machines had not been installed.

[4]. Petitioner was arrested. During course of investigation, it was revealed that forged documents were prepared in the name of Sonu Kumar under fictitious name of Rajinder Singh by showing wrong address besides forging driving licence. Accounts were opened in OBC, Chandigarh, PNB Sector 45 Chandigarh, Bank of Baroda and HDFC Bank and Axis Bank. Some business cards were also printed in the name Prizn Siti Marketing and started contacting

jewellers of Chandigarh and Punjab.

[5]. Allegations were made that accused started offering installation of debit card machines on much cheaper rate and on easy instalments. They were in possession of pen with special ink which can be used to erase on heating. They used to obtain cheques from jewellers with word “cancelled” inscribed on them with their pen. After obtaining such cheques they used to erase the word “cancelled” to get the money encashed mentioned in the cheques.

[6]. Co-accused namely Hari Om and John Almash filed **Criminal Revision Nos.2011 of 2014 and 1854 of 2014,** respectively in which the Co-ordinate Bench of this Court vide order dated 29.01.2015 modified the sentenced and sentenced them to rigorous imprisonment for 2 years and 6 months for the offences in question by enhancing the amount of fine to the tune of Rs.30,000/-, and in the event of default of payment of fine, they will also undergo simple imprisonment for three months. The conviction under Sections 406, 419, 120-B was ordered to be maintained.

[7]. Petitioner is also one of the accused in the same incident. Learned counsel for the petitioner prays for parity in terms of reduction in sentence.

[8]. Having considered the facts and circumstances involved, particularly the role attributed to petitioner vis-a-vis the co-accused who have already been granted benefit of modified sentence, this Court thinks that the case of petitioner is also covered by the order

dated 29.01.2015.

[9]. Accordingly, keeping in view the period of trial faced by petitioner for the last more than 3 years, it would be just and expedient to reduce the sentence of the petitioner to 2 years and 6 months for the offences under Sections 420, 467, 468, 471 IPC by enhancing the fine to the tune of Rs.30,000/-. In the event of default of payment of fine, petitioner shall further undergo simple imprisonment for 3 months. However, sentence in terms of Sections 406, 419 and 120-B IPC is maintained.

[10]. With this modification, revision petition is disposed of.

May 19, 2015
Atik

(RAJ MOHAN SINGH)
JUDGE