

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR No.2993 of 2015 (O&M)****Date of Decision: October 16, 2015**

Kishore Singh

...Petitioner

VERSUS

Kulwinder Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGHPresent: Mr.Parvesh Sachdeva, Advocate
for the petitioner.Mr.Manu Loona, Advocate
for respondent No.1.Ms.Simsi Dhir Malhotra, Deputy Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Kishore Singh against Kulwinder Singh and State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 01.07.2013 passed by learned Judicial Magistrate Ist Class, Fazilka, vide which he was convicted under Sections 420, 468 and 471 IPC and sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of ₹2000/- under each Section and in default of payment of fine, to further undergo rigorous imprisonment for a period of six months under each Section and also challenging the judgment dated 08.07.2015 passed by learned Addl. Sessions

Judge, Fazilka, vide which appeal filed by petitioner was dismissed.

At the time of preliminary hearing, learned counsel for the petitioner did not dispute the concurrent findings of Courts below regarding conviction and only prayed for reduction of sentence. Notice of motion was issued only on the quantum of sentence.

Learned counsel for respondent No.1 as well as learned State counsel appeared and contested the petition.

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

As per the record, Kulwinder Singh complainant filed a complaint against Kishore Singh under Sections 420, 467, 468, 471 and 415 IPC, alleging that on 21.11.1994, Piaro Bai and Lachhmi Bai entered into an agreement to sell with father of the complainant namely Jangir Singh pertaining to land measuring 5 kanals 15 marlas. A civil suit for possession by way of specific performance was filed by father of the complainant, which was decreed. It is further stated that Piaro Bai intentionally got executed a sale deed dated 05.12.1995 and got filed an appeal in the Court of learned District Judge, Fazilka, from accused Kishore Singh, which was dismissed and sale deed dated 05.12.1995 was declared null and void. It is alleged that accused was knowing well that the sale deed has been declared null and void by the civil Court but he got entered the mutation on the basis of the sale deed.

At the time of arguments, learned counsel for the petitioner, today again prayed for reduction of sentence.

From the record, I find that the petitioner is suffering from long protracted criminal trial for the last more than 8-9 years. He has already undergone two months and 11 days of sentence and also earned remission of three months and 15 days till 19.09.2015. There is no other previous conviction against the petitioner.

In view of the above facts and circumstances, the present revision petition is partly accepted and the sentence of the petitioner is reduced to the sentence already undergone by him. Petitioner Kishore Singh, who is in custody, be released forthwith, if his custody is not required in connection with any other case. The fine has already been paid by the petitioner.

October 16, 2015
Vgulati

(INDERJIT SINGH)
JUDGE