

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR No.3047 of 2015 (O&M)****Date of Decision: October 06, 2015**

Jagdish

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.O.P.Dhankar, Advocate
for the petitioner.

Mr.Brijesh Sharma and Mr.Arun Kumar, AAG Haryana
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Jagdish against State of Haryana, challenging the impugned judgment of conviction dated 15.05.2014 and order of sentence dated 20.05.2014 passed by learned Chief Judicial Magistrate, Rohtak, vide which the petitioner was convicted under Sections 420, 468 and 471 IPC and sentenced to undergo rigorous imprisonment for a period of three years under each Section along with fine of ₹10,000/- and also convicted under Section 467 IPC and sentenced to undergo rigorous imprisonment for a period of four years and to pay fine of ₹10,000/- and in default of payment of fine under each Section, to further undergo rigorous imprisonment for a period of one month and also

challenging the judgment dated 10.07.2015 passed by learned Addl. Sessions Judge, Rohtak, vide which appeal filed by petitioner was dismissed.

The brief facts of the case are that FIR in the present case has been registered on the basis of the application sent by Treasury Officer, Rohtak to Superintendent of Police, Rohtak against accused Jagdish. In the application, it is stated that Jagdish has been receiving family pension from State Bank of India, Rohtak by producing forged birth certificate. During investigation, the Investigating Officer collected original migration certificate issued by Govt. Senior Secondary School, Rithal in the name of accused. Besides that, a photocopy of PPO No.79565-S/HR/AG, Haryana, Chandigarh, photocopy of application for withdrawal of pension of Partap Singh son of Gopal. During investigation, numerous documents and withdrawn forms submitted by accused in State Bank of India were collected and in order to verify the genuineness of the signatures of the accused on these documents, his specimen signatures were obtained in the Court, which were sent to FSL, Madhuban along with disputed signatures of the accused. According to FSL report, the disputed signatures of the accused were found identical with the standard signatures. The Investigating Officer also collected numerous documents from the office of Treasury Officer including Enquiry report wherein it has been mentioned that actually the accused was eligible for receiving family pension upto 26.09.2000 but he had accepted the same till March 2005 on the basis of forged birth

certificate and misappropriated the amount of ₹2,25,685/-. Thereafter, the accused-petitioner was arrested.

Learned CJM, Rohtak, convicted the accused under Sections 420, 467, 468 and 471 IPC and sentenced him as stated above. An appeal was filed by the accused-petitioner and learned Addl. Sessions Judge, Rohtak, vide judgment dated 10.07.2015 dismissed the appeal.

Aggrieved from the above-said judgments and order, present revision petition has been filed.

At the time of issuance of notice of motion, learned counsel for the petitioner did not dispute the concurrent findings of Courts below and prayed for reduction of sentence and notice of motion was issued only on the quantum of sentence.

At the time of arguments, learned counsel for the petitioner contended that the petitioner has already deposited the amount stated to have been received by him by forgery. He further contended that petitioner is only bread earner of the family and he is suffering from long criminal trial for the last more eight years. Therefore, he argued that lenient view may be taken.

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

Keeping in view the facts and circumstances of the present case, the fact the present petitioner is only bread earner of the family and he is to look after his children and further the fact that petitioner was young man of 35 years at the time of conviction and further in

view of the fact that the petitioner is suffering from long protracted criminal proceedings, the sentence of the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of two years each under Sections 420, 467, 468 and 471 IPC. All the sentences would run concurrently. However, the sentence of fine and default sentence under each Section shall remain the same.

With the above-said modification in the sentence, the present revision petition stands dismissed.

October 06, 2015
Vgulati

(INDERJIT SINGH)
JUDGE