

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No.3111 of 2014 (O&M)
Date of Decision: 07.05.2015

Jagroop Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE R.P. NAGRATH

- 1. *Whether Reporters of the 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?***

Present: Mr. S.S. Mor, Advocate
for the petitioner.

Mr. Dimple Jain, AAG, Haryana
for the State.

R.P. Nagrath, J. (Oral)

The instant revision is filed against Judgment dated 17.07.2014 passed by learned Additional Sessions Judge Kaithal vide which appeal filed by the petitioner was dismissed and the judgment of conviction dated 27.09.2011 and order of sentence dated 28.09.2011 passed by the Judicial Magistrate 1st Class, Kaithal in Case FIR No. 385 dated 17.07.2006 under Sections 419, 420, 465, 467, 468, 471, 120-B IPC, was affirmed.

The trial Court awarded sentence to the petitioner to

undergo rigorous imprisonment for two years under Section 419 IPC; to undergo rigorous imprisonment for three years and to pay a fine of ₹ 2000/- under Section 468 IPC, in default of payment of fine, to further undergo simple imprisonment for one month; and to undergo rigorous imprisonment for three years and to pay a fine of ₹ 1000/- under section 471 IPC, in default of payment of fine to further undergo simple imprisonment for one month. In the appeal, it was affirmed.

When the matter was listed on 30.09.2014, following order was passed:-

“Challenge in this criminal revision petition is to the judgement dated 17.7.2014, passed by the learned Additional Sessions Judge, Kaithal, whereby the appeal filed by the petitioner impugning the conviction and sentence for the offences punishable under Sections 419, 468 and 471, IPC, recorded by the learned Judicial Magistrate Ist Class, Kaithal, was dismissed.

Learned counsel contends that in the light of the concurrent findings recorded by both the learned Courts below, he does not propose to challenge the conviction of the petitioner, Jagroop Singh. However, in view of the totality of the facts and circumstances of the case, the substantive sentence of imprisonment awarded to the petitioner is on higher side.

Notice of motion for 27.11.2014 with regard to

quantum of sentence only.”

Petitioner participated in the rally for selection process of the constables in the district of Kaithal on 17.07.2006. The petitioner impersonated as Subhash his real brother and attached birth certificate of Subhash in support of his qualifications and age. This was detected during his participation in the high jump event as his name Jagdeep Dhul was tattooed on his right arm.

Learned counsel submits that this is not a case where the certificate of the qualifications was fabricated but he misused the certificate of his brother and impersonated as Subhash in the selection process. Before the process of selection could be completed, he was apprehended.

I have heard learned counsel for the petitioner and learned State counsel and also perused the records.

The petitioner was unemployed and has undergone actual sentence of about one year and two months as mentioned in the custody certificate dated 06.05.2015 and with remission period he has undergone more than one year and seven months of imprisonment. Petitioner is detained in jail at Kaithal.

In the circumstances of the case and that the petitioner committed the said offence while he was in prime of his youth, I would find the imprisonment already undergone by the petitioner sufficient punishment in the present case.

The instant revision is dismissed on merit but partly allowed by reducing the sentence of imprisonment as indicated

above maintaining the imposition of fine and the default clause.

(R.P. Nagrath)
Judge

07.05.2015
sk