

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRR NO. 3145 OF 2014 (O&M)
DECIDED ON : 06.02.2015**

Sanjeev Kumar

... Petitioner

versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE K. C. PURI

Present : Mr. D. S. Adlakha, Advocate,
for the petitioner.
Mr. K. D. Sachdeva, Addl. AG, Punjab.

K. C. PURI, J.

Challenge in this revision petition is to the judgment dated 09.09.2014 passed by Shri Sant Prakash, Additional Sessions Judge, Jind, vide which the appeal preferred by the accused now petitioner against the judgment of conviction dated 26.07.2013 and order of sentence dated 29.07.2013 passed by Shri Basurddin, Additional Chief Judicial Magistrate, Jind, vide which the accused/petitioner has been convicted and sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of Rs.1000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of three months under Section 420 of the Indian Penal Code (in short “the IPC”) and he was further sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of Rs.500/-

and in default of payment of fine, to further undergo rigorous imprisonment for one month under Section 419 IPC was dismissed by reducing the sentence for a period of one year instead of rigorous imprisonment for a period of two years. However, both the sentences were ordered to run concurrently.

2. The factual matrix of the case is that on 20.03.2002 SI Jabgir Singh along with C. Ramesh was present at Bus Stop village Manoharpur in connection with patrolling duty and detection of crime. There Sub Inspector along with checking staff of Haryana Roadways met them who moved an application mentioning therein that on 20.03.2002, a bus bearing registration No. HR-56-A-2476 was going from Hisar to Sonapat. During surprise checking near village Lochab, one boy represented himself as police official. The Inspector asked him to show his identity card. Since the photograph on the identity card was not matching with the face of that boy, the Inspector asked him to produce any other identity card. Upon this, he showed his Driving License reflecting his name as Sanjeev Kumar s/o Om Prakash r/o village Dahola, whereas on the identity card his name was mentioned as Sanjeev Kumar r/o village Bhuslana. The said identity card seems to be the coloured photo stat copy of some other police official's identity card which the boy was illegally using. Accordingly, prayer was made for taking action against the said person for using fake and forged identity card. On the basis of said application, formal FIR was registered. Investigation was carried out. Statements of witnesses were recorded. The driving license of the accused/petitioner was taken into possession. After

completion of investigation, challan against the accused was presented in court.

3. On presentation of challan, copies of same were supplied to the accused free of costs as envisaged under Section 207 Cr.P.C. Thereafter, charge under Sections 419 and 420 IPC was framed against the accused, to which he pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined SI Jagbir Singh as PW-1, Inspector Satbir Singh as PW-2, Inspector Raj Singh as PW-3 and thereafter closed the evidence.

5. The accused was examined under Section 313 Cr.P.C, wherein all the incriminating evidence was put to him, to which he pleaded innocence and false implication.

6. The learned trial court, after appreciating the evidence on record, found the accused guilty for an offence punishable under Sections 419 and 420 IPC and sentenced him to undergo rigorous imprisonment and fine, as narrated above.

7. Feeling dissatisfied with the above said judgment of conviction 26.07.2013 and order of sentence dated 29.07.2013, the accused/ appellant preferred first appeal. The said appeal was dismissed vide judgment dated 09.09.2014 passed by Sessions Judge, Jind by reducing the sentence for a period of one year instead of rigorous imprisonment for a period of two years.

8. Still feeling aggrieved by the above said judgments passed by Sessions Judge, Jind and judgment of conviction/order of sentence passed

by Additional Chief Judicial Magistrate, Jind, the accused/petitioner has preferred the instant revision petition.

9. I have heard learned counsel for the parties and have gone through the records of the case with their able assistance.

10. Learned counsel for the accused-petitioner has not challenged the order of conviction passed by both the Courts below. Otherwise also notice was issued regarding quantum of sentence only. So, the conviction recorded by both the Courts below stands affirmed.

11. Now reverting to the quantum of sentence.

12. Counsel for the petitioner has submitted that as per custody certificate petitioner has already undergone incarceration for a period of six months and nine days including remissions of one month and twenty one days as on 05.02.2015. He is not a previous convict nor involved in any other case. It is further contended that petitioner is facing trial for the last about three years. Counsel for the petitioner has also argued that he has six sisters and has to maintain his own family. So, prayer has been made for taking a lenient view regarding quantum of sentence.

13. The State counsel has opposed the prayer.

14. I have considered the submissions made by both the sides and have gone through the records of the case.

15. The allegations against the petitioner is that he posed himself as police personnel in order to get the benefit of payment of fair while travelling in the bus. The accused is not a previous convict nor involved in any other case and he has undergone rigorous imprisonment for a period of

six months and nineteen days including remissions of one month and twenty one days out of his substantive sentence of one year awarded by the Appellate Court.

16. So considering all the facts and circumstances, his sentence stands reduced to the period already undergone. However, his sentence of fine under Sections 419 and 420 of the IPC stands affirmed.

17. In the manner indicated above, the revision petition stands disposed of accordingly.

18. A copy of this order be conveyed to the trial Court for strict compliance.

February 06, 2015

SV

**(K. C. PURI)
JUDGE**

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