

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Revision No.3875 of 2014 (O&M)

Date of decision: 09th January, 2015

Tarlok Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Jasinder Singh Thind, Advocate,
for the petitioner.

Mr. S.S.Chandumajra, DAG, Punjab,
for the respondent(s)-State

INDERJIT SINGH, J.

Petitioner Tarlok Singh has filed this revision petition against respondent-State of Punjab, under Section 401 Cr.P.C., against the judgment dated 23.09.2014, passed by the learned Additional Sessions Judge (Adhoc), Fast Track Court, Amritsar, dismissing his appeal against the judgment of conviction and order of sentence dated 19.02.2011, passed by the learned Judicial Magistrate Ist Class, Amritsar, vide which he has been convicted and sentenced to undergo rigorous imprisonment for a period of 3 years and to pay a fine of Rs.1,000/- each and in default of payment of fine to further undergo rigorous imprisonment for a period of 15 days each, under Sections 120-B, 467, 468 and 471 IPC.

It is mainly stated in the revision petition that petitioner has been wrongly convicted under Sections 467, 468, 471 and 120-B

IPC by the learned trial Court vide judgment of conviction and order of sentence dated 19.02.2011. Against the said judgment of conviction and order of sentence, the petitioner filed an appeal, which has also been dismissed by the learned Appellate Court vide judgment dated 23.09.2014.

At the time of preliminary hearing, learned counsel for the petitioner did not dispute the concurrent findings of the Courts below regarding conviction. He contended only on the point of reduction of sentence.

Notice of motion only qua quantum of sentence was issued.

Today, learned State counsel has appeared and contested the present petition.

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

As per custody certificate, the petitioner has already undergone 3 months and 16 days of actual sentence after conviction. There is no other case pending against him nor he has ever been tried or sentenced in any other case. The petitioner has been convicted and sentenced to undergo rigorous imprisonment for a period of 3 years and to pay a fine of Rs.1,000/- each and in default of payment of fine to further undergo rigorous imprisonment for a period of 15 days each under Sections 120-B, 467, 468 and 471 IPC.

As per the facts of the case, the allegation against the

petitioner is that he was the attesting witness of the sale deed which is stated to be executed by Darshan Singh by impersonation. As per prosecution version, the sale deed was forged one and as per Forensic Science Laboratory report, after comparison of the thumb impression of Darshan Singh, it was found that the thumb impression on the sale deed is different. The FIR in this case has been registered in the year 2001. The petitioner has suffered a lot for the last about 14 years from the protracted criminal trial.

Keeping in view the facts and circumstances of the present case and the facts that the petitioner is more than 65 years old; he is the first offender and bread earner of his family, the sentence awarded to him is reduced to rigorous imprisonment for a period of 1½ years each under Sections 120-B, 467, 468, 471 IPC. The sentence of fine and the sentence in default of payment of fine shall remain the same.

Accordingly, with the aforesaid modification, the instant petition stands partly allowed.

09th January, 2015
mamta

(INDERJIT SINGH)
JUDGE