

431 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No.4253 of 2014.
Decided on : 31.10.2015.

Rajbir Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan
Present : Mr. Deepender Singh, Advocate,
for the petitioner.

Mr. Arun Luthra, AAG, Haryana.

Mr. S.S. Kamboj, Advocate,
for respondent No.2.

JITENDRA CHAUHAN, J.

This revision petition is directed against the judgment dated 10.10.2014, passed by the Additional Sessions Judge, Karnal and the judgment of conviction dated 5.1.2012, and the order of sentence dated 6.1.2012, passed by the Judicial Magistrate Ist Class, Karnal vide which the accused was convicted and sentenced as under:-

Offence	Sentence	Fine	In default
420 IPC	RI for 2 years	Rs.3000/-	SI for 15 days
467 IPC	RI for 6 months	Rs.1000/-	SI for 15 days
468 IPC	RI for 6 months	Rs.1000/-	SI for 15 days
471 IPC	RI for 1 year	Rs.1000/-	SI for 15 days

All the substantive sentences were ordered to run

concurrently.

The petitioner along with Man Singh was tried by the Court of Judicial Magistrate Ist Class, Karnal. The allegations, in brief, against the petitioner are that he forged a jamabandi and submitted wrong affidavit dated 1.9.2005 to the Bank for obtaining loan for the purchase of a tractor. In the affidavit, the petitioner affirmed himself to be the owner of agricultural land measuring 50 kanals 11 marlas. The petitioner also executed a mortgage deed in favour of the Bank on 2.9.2005. By producing wrong documents, the petitioner obtained loan of Rs.4,86,000/- from the bank. The petitioner was convicted under Sections 420, 406, 467, 468 and 471 IPC. However, co-accused Man Singh was acquitted. The petitioner filed appeal before the Additional Sessions Judge, Karnal. The appeal was accepted partly and the petitioner was acquitted of the offence under Section 406 IPC. The conviction in remaining offences was maintained. Hence, the present revision.

On 24.12.2014, while issuing notice of motion, this Court passed the following order:-

“xxxx

At the very outset, learned counsel for the petitioner submits that the petitioner has made the entire payment to the bank on 9.6.2012 and on account of the fact that the account stands closed under the one time settlement proposal, civil suit filed by the bank

against the petitioner stands withdrawn. He is in custody for the last three months and twenty days and prays that since all matters stands settled with the bank, his conviction for two years may be reduced to the period already undergone.

Notice of motion for 28.01.2015.”

Learned counsel for the petitioner states that he does not challenge the judgment of conviction on merits rather prays for reduction of the sentence. He further states that the petitioner has already undergone actual sentence of 8 months and 1 day and total sentence of 10 months and 1 day including remissions out of substantive sentence of two years. The petitioner has been facing criminal proceedings since 2006. Neither he is a previous convict nor involved in any other FIR. He has already made the entire payment to the complainant-Bank on 9.6.2012, under the scheme of 'one time settlement'. The civil suit filed on behalf of the Bank already stands withdrawn. Learned State counsel and the counsel for Respondent No. 2 supported the judgment of the appellate Court and contended that the revision may be dismissed.

I have heard the counsels for the parties and gone through the record.

Keeping in view the aforesaid mitigating circumstances and the fact that the amount of loan has already been paid and the matter has been compromised, the sentence of the

petitioner is reduced to the period already undergone. The sentence of fine shall remain intact. However, the petitioner is directed to pay Rs.1 lac (one lac) as compensation to the complainant bank within two months from the date of receipt of copy of this order. In case the amount of compensation is not paid within the stipulated period, the original sentence would revive and the revision petition would be deemed to be dismissed.

31.10.2015.
SN

(JITENDRA CHAUHAN)
JUDGE