

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Revision No. 927 of 2015 (O&M)

Date of Decision : August 11, 2015

Ajit Singh

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE GURMIT RAM

Present : Mr. Inderjit Sharma, Advocate
for the petitioner.

Mr. A.S. Jattana, Additional Advocate General, Punjab.

Mr. Arun Abrol, Advocate
for the complainant.

T.P.S. MANN, J.

The petitioner, alongwith his wife Kuldip Kaur, was tried for committing the offences punishable under Sections 465, 467, 468, 471 and 120-B IPC. Vide judgment and order dated 18.10.2011, the Judicial Magistrate 1st Class, Gurdaspur convicted the petitioner under Section 465 IPC, while Kuldip Kaur under Sections 465/120-B IPC and sentenced them to undergo rigorous imprisonment for one year each. Both of them were further convicted under Sections 467/120-B IPC and sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs.1,000/- each and in default of payment of fine, to undergo further simple imprisonment for six months. They were further convicted under Sections 468/120-B IPC and sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs.1,000/- each and in

default of payment of fine, to undergo further simple imprisonment for six months. They were also convicted under Sections 471/120-B IPC and sentenced to undergo rigorous imprisonment for one year each. All the sentences were ordered to run concurrently.

Aggrieved of their conviction and sentences, as recorded by the trial Court, the petitioner and his wife Kuldip Kaur filed an appeal. Vide judgment dated 30.1.2015, the Additional Sessions Judge (Ad hoc), Fast Track Court, Gurdaspur accepted the appeal of Kuldip Kaur and acquitted her of the charges framed against her whereas the appeal of the petitioner was held to be devoid of any merit and, accordingly, dismissed.

The present revision filed by the petitioner against his conviction and sentence came up for preliminary hearing on 7.4.2015 when, after hearing learned counsel for the petitioner, notice regarding quantum of sentence was issued. The State stands duly served and represented. The complainant is also represented by his counsel.

Learned counsel for the petitioner has submitted that the petitioner is facing the agony of prosecution since the year 2004. The petitioner is not a previous convict. He is the only bread earner of his family. He remained in jail as an under trial for about two weeks whereafter he was granted the concession of bail. He is now in custody since 30.1.2015 when the appeal filed by him against his conviction and sentence was dismissed by the lower appellate Court. As of date, the petitioner has already undergone about seven months out of the

sentence of imprisonment of two years imposed upon him. It has also been submitted that the actual beneficiary of the power of attorney, in question, is shown to be the wife of the petitioner and not the petitioner himself. It has also been submitted that when the petitioner was heard by the trial Court on the quantum of sentence he had pleaded that he was an old person and suffering from various diseases. Prayer has, accordingly, been made for setting aside the remaining sentence of imprisonment imposed upon the petitioner.

Learned State counsel has vehemently opposed the prayer by submitting that it was the petitioner who had forged the power of attorney and on its basis had transferred the property of the complainant in favour of his wife Kuldip Kaur. Learned State counsel has, however, produced the custody certificate, as per which the petitioner has already undergone an actual period of six months and twenty three days. Besides, he has earned remission of twenty four days and, thus, total custody, including the remissions, comes to seven months and seventeen days. It has also been mentioned therein that the petitioner is neither involved nor convicted in any other case.

Learned counsel for the complainant has submitted that the petitioner does not deserve any leniency in the matter of sentence as on the basis of the sale deed, which he had executed in favour of his wife, both of them have started interfering in the possession of the complainant over the property in question.

After hearing learned counsel for the parties and taking into

consideration the totality of the circumstances of the case, this Court is of the considered view that the sentence of imprisonment of two years for the offences under Sections 467/120-B IPC and 468/120-B IPC can be reduced to one year.

Resultantly, while upholding the conviction of the petitioner, his sentence of imprisonment for two years under Sections 467/120-B and 468/120-B IPC is reduced from two years to rigorous imprisonment for one year on each of the two counts. The sentences of fine of Rs.1,000/- imposed upon the petitioner for each of the aforementioned two counts, alongwith their default clauses, are maintained. The conviction and sentences of the petitioner under Sections 465 and 471/120-B IPC are upheld. All the substantive sentences of imprisonment shall run concurrently.

The revision is, accordingly, disposed of.

**(T.P.S. MANN)
JUDGE**

**(GURMIT RAM)
JUDGE**

August 11, 2015
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