

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

CRA-S-No.3262-SB-2015
DATE OF DECISION : 29TH NOVEMBER, 2016

Union Territory of Chhindigarh

.... Appellant

Versus

Jai Pal Singh Rawat

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Amarjit S. Sullar, Addl. Public Prosecutor
for appellant-UT Chandigarh.

Mr. Karan Chaudhary, Advocate for the respondent.

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A. B. CHAUDHARI, J. (ORAL)

This is an appeal for enhancement of sentence and challenge is to the order made by the appellate Court reducing the sentence and releasing the respondent on probation.

Heard learned counsel for the rival parties.

This Court had issued notice of motion on the assumption based on the finding recorded by the court below that the petitioner obtained employment by producing fake certificate. Today learned counsel for the respondent has pointed out that the said finding is incorrect inasmuch as the respondent was already employed in the year 1983 by order dated 19.07.1983 for the post of Chowkidar and the allegation against him is that thereafter he got the employment as Laboratory Attendant on ad hoc basis in the same department for which he had allegedly shown a forged certificate about having passed matriculation examination.

I have perused the findings of the courts below. The finding is that in the year 1990, he had got some employment. As a matter of fact the said finding that he had obtained employment in the year 1990 is not correct because he was already employed and applied for the higher post in the same department.

In that view of the matter, this is, therefore, not a case of obtaining employment by producing fake certificate. It is however true that the case of obtaining employment for a higher post on the basis of forged certificate is certainly an offence, but then the gravity of the offence stands reduced. Therefore, the appellate Court cannot be faltered for reducing the sentence by allowing respondent to be released on probation. In my opinion, the discretion exercised by the appellate Court in the matter of reduction of sentence and releasing him on probation cannot be interfered with in appeal against acquittal. At any rate, as stated by learned counsel for respondent, the respondent was initially given voluntary retirement and thereafter dismissed from service and as such it does not enure to anybody's benefit in the above circumstances to enhance the sentence. I think the respondent has met with sufficient punishment. The present appeal is, therefore not entertained and is dismissed summarily.

The prayer for compensation made by the UT is not accepted.

29TH NOVEMBER, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes</i>	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	<i>No</i>