
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.265

CRA No.S-3311-SB of 2015 (O&M)
DECIDED ON: January 11, 2016

STATE OF U.T. CHANDIGARH

..APPELLANT

VERSUS

MOHIT MEHTA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Anil Kumar Lamdharia, Addl. P.P. for UT, Chandigarh

JASPAL SINGH, J

Instant appeal has been directed by State of U.T. Chandigarh feeling dis-satisfied against the judgment dated November 11, 2013 passed by learned Sessions Judge, Chandigarh modifying the judgment of conviction and order of sentence dated January 31, 2011 passed by learned Judicial Magistrate Ist Class, Chandigarh, vide which, the sentence imposed upon the respondent-accused has been reduced from RI for a period of two years to RI for a period of nine months.

Undisputably, vide judgment dated January 31, 2011, passed by learned Judicial Magistrate Ist Class, Chandigarh, respondent-accused has

been convicted under Sections 420, 467, 471 & 511 IPC and sentenced to undergo rigorous imprisonment for a period of two years on each account with fine specified therein and all the substantive sentences have been ordered to be run concurrently in FIR No. 435, dated August 28, 2001, under Sections 419, 420, 467, 468, 471, 120-B, 511 IPC, registered at Police Station Central, Chandigarh.

While assailing the impugned judgment dated November 11, 2013 passed by learned Sessions Judge, Chandigarh, it has been argued by the Additional Public Prosecutor, U.T., Chandigarh that learned Sessions Judge though has declined the benefit of probation to the respondent-accused but has illegally and without any valid ground has reduced the sentence imposed upon the respondent-accused from RI for a period of two years to RI for a period of nine months with no change in the fine clause. But, there is no cogent reason assigned by the learned Sessions Judge for the reduction of his sentence. The sentence of nine months cannot be said to be with the commensurate with the offence for the commission of offence, for which, the respondent-accused has been held guilty. He is alleged to have forged the signatures on the cheques and made an endeavor to withdraw a sum of Rs.25,000/- from the account of Mrs. Nishpal Kaur. Though, he could not succeed in his mission. But forgery of the cheque and attempt to withdraw an amount of Rs.25,000/- is fully established.

While reducing the sentence, the consideration which weighed in the mind of learned Sessions Judge is that the respondent-accused is a first offender and he is only bread winner of his family and that he has only attempted to commit the offence and has been sentenced under Sections

419, 420, 467, 468, 471 but with the aid of 511 IPC.

This Court does not find any infirmity or illegality in the reduction of sentence. Keeping in view the aforesaid aspects and especially that respondent-accused belongs to a poor strata of the society and further that the sentence imposed upon by learned Sessions Judge through impugned judgment can be said to be absolutely in consonance with the offence complained of against respondent-accused. There is no legal flaw in the impugned judgment. Rather, the imposition of two years punishment in the given circumstances must have been on the higher side.

Keeping in view the nature and gravity of the offence, this Court does not find any merit in this case.

Dismissed.

January 11, 2016

Ankur

**(JASPAL SINGH)
JUDGE**