

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

**Crl. Revision 226 of 2008**  
Date of Decision : May 31, 2016

Zile Singh

.....Petitioner

**VERSUS**

State of Haryana

.....Respondent

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

Present : Mr. Sanjay Vashisth, Advocate

Mr. Dhruv Dayal, Deputy A.G., Haryana

**T.P.S. MANN, J. (Oral)**

The petitioner was tried for committing the offences punishable under Sections 409, 420, 468 and 471 IPC. Vide judgment and order dated 30.1.2002, learned Additional Chief Judicial Magistrate, Bhiwani acquitted him of the charge under Section 409 IPC. He was, however, convicted under Sections 420, 468 and 471 IPC and sentenced as follows:-

- i) Rigorous imprisonment for two years and to pay a fine of Rs. 5,000/- under Section 420 IPC and in default of payment of fine, to further undergo rigorous imprisonment for six months;
- ii) Rigorous imprisonment for two years and to pay a fine of Rs. 5,000/- under Section 468 IPC and in default of payment of fine, to further undergo rigorous imprisonment for six months; and
- iii) Rigorous imprisonment for two years and to

pay a fine of Rs. 5,000/- under Section 471 IPC and in default of payment of fine, to further undergo rigorous imprisonment for six months.

The fine imposed was deposited by the petitioner there and then. All the substantive sentences were ordered to run concurrently.

Aggrieved of his conviction and sentence, the petitioner preferred an appeal. After holding that the appeal was without any merit, learned Additional Sessions Judge (Fast Track Court), Bhiwani vide judgment dated 19.1.2008 dismissed the same. Still not satisfied, he preferred the present revision in which he is currently on bail pursuant to order dated 7.5.2008.

Learned counsel for the petitioner submits that the petitioner does not challenge his conviction for the offences under Sections 420, 468 and 471 IPC. It is, however, submitted that on account of his conviction in the present case, the services of the petitioner as conductor of Haryana Roadways stood terminated. The petitioner has a family consisting of wife and four children. His two daughters are pursuing JBT and B.Sc., respectively. His one son is presently doing 10+2 whereas his other son, namely, Jatinder Singh is not earning anything. He himself is working as a vegetable vendor so as to earn daily bread for his family. It is also submitted that he is not involved or convicted in any other case. Out of the sentence of two years imposed upon him, he has already undergone a period of about four months. He is facing the agony of criminal prosecution for the last about twenty four years. Prayer has, accordingly, been made for taking a lenient view in the matter of sentence of imprisonment.

Learned State counsel has vehemently opposed the prayer by submitting that the sentence of imprisonment awarded to the petitioner is commensurate with the gravity of the offence committed by him.

The custody certificate has already been brought on record by the learned State counsel. It has been mentioned therein that the petitioner has undergone a sentence of four months including remissions out of the sentence of two years imposed upon him.

Taking into consideration the totality of the circumstances, this Court is of the view that no useful purpose will be served by sending the petitioner behind the bars, once again, for undergoing his remaining sentence of imprisonment. Ends of justice would be suitably met, if his substantive sentences of imprisonment on all the counts are reduced to the one already undergone by him.

Resultantly, the conviction of the petitioner for the offences under Sections 420, 468 and 471 IPC is upheld. His substantive sentences of imprisonment on all the counts shall stand reduced to the one already undergone by him. The sentences of fine alongwith their default clauses are upheld.

The revision is, accordingly, disposed of.

**May 31, 2016**  
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**( T.P.S. MANN )**  
**JUDGE**