IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Revision 700 of 2008
Date of Decision : September 16, 2016

Puran Chand

.....Petitioner

VERSUS

State of Haryana

.....Respondent

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

Present : Mr. Amit Kumar Jain, Advocate
for the petitioner.

Mr. Praveen Bhadu, Asstt. A.G., Haryana.

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

The petitioner was tried for committing the offences punishable under Sections 420 and 506 IPC. Vide judgment and order dated 10/11.5.2006, learned Chief Judicial Magistrate, Jind convicted him for the offence under Section 420 IPC and sentenced him to undergo rigorous imprisonment for two years with fine of Rs. 500/- and in default of payment of fine, to further undergo rigorous imprisonment for one month. He was also convicted under Section 506 IPC and sentenced to undergo rigorous imprisonment for six months. Both the sentences were ordered to run concurrently. The fine imposed was deposited by him with the trial Court there and then.

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Aggrieved of his conviction and sentence, the petitioner preferred an appeal but remained unsuccessful as the same came to be dismissed by learned Additional Sessions Judge-I, Jind vide judgment dated 28.3.2008. Still not satisfied, he preferred the present revision which was admitted on 9.4.2008. Subsequently, vide order dated 28.4.2008, this Court suspended his sentence till the final disposal of the revision.

The case of the prosecution, in nutshell, is that the petitioner had withdrawn an amount of Rs. 20,000/- from his account with the Rajpura Cooperative Credit and Service Society Ltd., Rajpura through its Secretary Mahabir Singh. At that time, the petitioner was not carrying the pass book and he was asked to get the entry made in the pass book later on. However, the petitioner neither presented the pass book nor get the entry made in the pass book regarding the aforementioned withdrawal.

After hearing learned counsel for the parties, this Court finds that the prosecution has been successful in proving the guilt of the petitioner. Complainant-Mahabir Singh while appearing as PW1 testified about the petitioner withdrawing the amount of Rs. 20,000/- but not getting the entry made in the pass book as at the relevant time, he was not carrying the same. PW2 SI Mahender Kumar testified about the various steps taken by him during the investigation of the case in which he found sufficient material to present the challan against the petitioner.

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Under these circumstances, no case is made out for any interference in the conviction of the petitioner for the offences under Sections 420 and 506 IPC.

As regards the quantum of sentence, it may be noticed that the petitioner is facing the agony of criminal prosecution for the last about seventeen years. According to learned counsel for the petitioner, he is about sixty six years of age. He is a poor person and sole bread winner of his family. He is also not a previous convict. Further, he has already undergone a period of about 1½ months. Prayer has, accordingly, been made for setting aside his remaining sentence of imprisonment.

Learned State counsel has vehemently opposed the prayer by submitting that the petitioner had cheated complainant-Mahabir Singh and dishonestly induced him to deliver property. Besides, he had also threatened the complainant when the latter asked him to return the money. Learned State counsel has, however, produced the custody certificate as per which the petitioner has undergone an actual sentence of one month and fourteen days. He is also not shown to be either involved or convicted in any other criminal case.

Having heard learned counsel for the parties, this Court finds that no useful purpose will be served by sending the petitioner behind the bars, once again, for undergoing the remaining sentence of imprisonment imposed upon him. Ends of

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justice shall be suitably met, if his substantive sentence of imprisonment is reduced to the one already undergone by him. At the same time, the fine of Rs. 500/- imposed upon him for the offence under Section 420 IPC can be suitably enhanced.

Resultantly, the conviction of the petitioner for the offences under Sections 420 and 506 IPC is upheld. His substantive sentences of imprisonment on both the counts shall stand reduced to the one already undergone by him. The fine of Rs.500/- imposed upon him for the offence under Section 420 IPC is, however, enhanced to Rs. 5,000/-. The enhanced amount of fine i.e. Rs. 4,500/- be deposited by the petitioner with the trial Court within three months from today, failing which he shall be required to undergo rigorous imprisonment for six months.

The revision is, accordingly, disposed of.

September 16, 2016 **(T.P.S. MANN)**
ajay-1 **JUDGE**

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No

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