

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

Criminal Revision 777 of 2008

Date of Decision : October 20, 2016

Dinesh Kumar	Versus	Petitioner
State of Haryana		 Respondent

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

Present : Ms. Palak Jain, Advocate for
Mr. Pankaj Maini, Advocate
for the petitioner.

Mr. Ashok S. Chaudhary, Addl. A.G., Haryana.

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

The petitioner was tried for committing offences punishable under Sections 170/420 IPC. Vide judgment and order dated 5/6.9.2006, learned Judicial Magistrate 1st Class, Jagadhri, acquitted him of the charge under Section 420 IPC. However, he was convicted under Section 170 IPC and sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.1,000/- and in default of payment of fine, to further undergo imprisonment for a period of three months.

Aggrieved of his conviction and sentence, the petitioner filed an appeal but got no reprieve as the same came to be dismissed by learned Additional Sessions Judge, Yamuna

Nagar vide judgment dated 10.4.2008. Hence, the present revision, which was admitted on 28.4.2008 and, subsequently, vide order dated 9.5.2008, he was ordered to be released on bail during its pendency.

As per the prosecution, on 12.8.1999 at about 4.30 p.m., one young man met SI Hardeep Singh, Station House Officer, Police Station Jagadhri and told him that he was an IPS Officer from Nagaland and had come on training. He desired to check the records in the police station. The records were handed over to him and on his asking a room was also booked for him in the Canal Rest House, where he stayed till 14.8.1999. The complainant provided him food etc., on his own expenses. However, when the complainant suspected some foul play, he asked the petitioner to produce his identity card, which he could not do so. Accordingly, he was apprehended and it was found that he was not a police officer, rather he was a civilian and resident of Kalka.

Having heard learned counsel for the parties, this Court finds that PW4 Pushpinder Pal, Junior Engineer, and PW5 Laxman Dass, Watchman of the rest house have corroborated the prosecution case regarding the presence and stay of the petitioner in the Canal Rest House. The entries in the relevant register were proved on record as Ex.PC. The signatures of the petitioner as put in the register of the rest house tallied with the one appended by him at the end of his

statement under Section 313 Cr.P.C. as well as on the power of attorney. Further, PW1 Sub-Inspector Hardeep Singh has explained as to how he could not question the identity of the petitioner, who claimed to be an IPS Officer. It was only when Sub-Inspector Hardeep Singh became suspicious that he asked for the identity card from the petitioner. When the petitioner failed to produce any such identity card, Sub-Inspector Hardeep Singh become convinced that he was an impersonator and projecting as a public servant, making him liable for committing offence under Section 170 IPC.

Coming to the question of sentence, it may be noticed that the petitioner is facing the agony of criminal prosecution for the last more that seventeen years. According to the petitioner, there is none to look-after his family, which consists of his old parents and two daughters. He claims himself to be a first offender. As per the custody certificate produced by the learned State counsel, the petitioner has undergone an actual sentence of one month and five days. Prayer has, accordingly, been made for setting aside the remaining substantive sentence of imprisonment of the petitioner.

Taking into consideration the totality of the circumstances, this Court is of the view that no useful purpose shall be served by sending the petitioner behind the bars for undergoing the remaining substantive sentence of imprisonment. Ends of 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 can be enhanced.

Resultantly, the conviction of the petitioner for the offence under Section 170 IPC is upheld. His substantive sentence of imprisonment is reduced to the one already undergone by him. The fine of Rs.1,000/- is, however, enhanced to Rs.10,000/-. The enhanced amount of fine be deposited by the petitioner with the trial Court within three months from today, failing which, he shall be required to undergo imprisonment for six months.

The revision is, accordingly, disposed of.

October 20, 2016
amit rana

(T.P.S. MANN)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No