

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

**Criminal Revision No.803 of 2008  
Date of decision : 20.09.2016**

Ashok Kumar

..... Petitioner

VERSUS

State of Haryana

..... Respondent

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

Present: Mr. Mahavir Sandhu, Advocate  
for the petitioner.

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

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

The petitioner was tried for committing offences under Sections 420, 467, 468 and 471 IPC. Vide judgment and order dated 24.03.2006, learned Judicial Magistrate Ist Class, Jagadhri after convicting him for the aforementioned offences, sentenced him as under:-

- (i) Rigorous imprisonment for two years and to pay a fine of ₹ 1,000/- under Section 420 IPC;
- (ii) Rigorous imprisonment for two years and to pay a fine of ₹ 1,000/- under Section 467 IPC;

- (iii) Rigorous imprisonment for two years and to pay a fine of ₹ 500/- under Section 468 IPC; and
- (iv) Rigorous imprisonment for two years and to pay a fine of ₹ 500/- under Section 471 IPC.

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

Aggrieved of his conviction and sentence, the petitioner preferred an appeal. Vide judgment dated 21.04.2008, learned Additional Sessions Judge, Yamuna Nagar acquitted him of the charges under Sections 467 and 468 IPC. However, his conviction for the offences under Sections 420 and 471 IPC was upheld. The sentence of imprisonment of two years for the offence under Section 420 IPC was reduced to rigorous imprisonment for one and half years whereas sentence of imprisonment for two years imposed for the offence under Section 471 IPC was reduced to rigorous imprisonment for a period of one year. The sentences of fine awarded by the trial Court for the said two offences were, however, maintained. Both the sentences were ordered to run concurrently. The period already undergone by him in jail during investigation/inquiry and trial was ordered to be set off against the sentences awarded to him as provided under Section 428 of the Code of Criminal Procedure.

Still not satisfied, the petitioner preferred the present revision, which was admitted on 01.05.2008 and vide an order of even date, his sentence of imprisonment was also suspended.

The case of the prosecution has been reproduced by the learned lower appellate Court in para 2 of its judgment, which is reproduced herein below:-

“2. Brief facts leading to filling of the present appeal are that the present appellant-accused was booked in a case bearing FIR No.45 dated 05.02.1997 under Sections 420, 467 and 471 IPC by the police of Police Station City, Jagadhri on receipt of letter Ex.PW4/A sent by the Commandant, 2<sup>nd</sup> Battalion, Haryana Armed Police, Madhuban to the Superintendent of Police, Yamuna Nagar inter-alia with the averments that the present accused was recruited as Constable and was sent to his Battalion for allotment of the Regimental Number in the month of August, 1995 and he was allotted the Regimental Number as 2/252. The educational certificate of the accused was got verified from the office of Regional Secretary, Madhyamik Shiksha Parishad, Uttar Pradesh, Regional office, Meerut and by virtue of letter No.0636 dated 22.01.1997 from that office, the same was found forged. The accused while producing a forged certificate at the time of his recruitment has committed an offence and necessary action was required to be taken in the

matter. Alongwith the said letter the requisite documents, i.e. verification report, certificate of the accused appended with mark sheet were also sent. On the basis of this letter the present case was registered and the investigation was put into action. During investigation, accused was arrested and interrogated and his disclosure statement Ex.PW2/B was recorded. The statements of the witnesses were recorded and the relevant documents were taken into possession. On completion of all the formalities of the investigation, the final report under Section 173 Cr.P.C. was presented before the learned Illaqa Magistrate.”

Learned counsel for the petitioner submits that he does not challenge the conviction of the petitioner for the offences under Sections 420 and 471 IPC. He, however, submits that the petitioner is facing the agony of criminal prosecution for the last more than nineteen years. He is required to look after his old parents. Besides, he has four children including two daughters, who are of marriageable age whereas his two sons are school going. It is also submitted that on account of his conviction in the present case, the department has already dispensed with his services. It is also submitted that the petitioner is neither involved nor convicted in any other criminal case apart from the present case. Prayer has,

accordingly, been made for setting aside his remaining sentences of imprisonment.

Learned State counsel has vehemently opposed the prayer by submitting that the petitioner had forged and fabricated matriculation certificate in order to seek employment in Haryana Armed Police. Subsequently, the matriculation certificate in question was got verified from the Office of Regional Secretary, Madhyamik Shiksha Parishad, Uttar Pradesh, Regional office, Meerut and vide order No. 0636 dated 22.1.1997 from that Office, it was found to be forged. Learned State counsel has, however, produced the custody certificate, as per which, the petitioner has undergone actual sentence of seventeen days. He is also not shown to be involved 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 his remaining sentences of imprisonment. Ends of justice shall be suitably met, if his substantive sentences of imprisonment are reduced to the one already undergone by him. At the same time, the amount of fine imposed upon him can be suitably enhanced.

Resultantly, the conviction of the petitioner for the offences under Sections 420 and 471 IPC is upheld. His substantive sentences of imprisonment are reduced to the one already

undergone by him. The fine of ₹ 1,000/- imposed upon him for the offence under Section 420 IPC is, hereby, enhanced to ₹ 20,000/-, which shall be deposited with the trial Court within three months from today, failing which, he shall be required to undergo simple imprisonment for six months. The fine of ₹ 500/- for the offence under Section 471 IPC is upheld.

The revision is, accordingly, disposed of.

(T.P.S. MANN)  
JUDGE

**September 20, 2016**  
Ramandeep Singh

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| Whether speaking / reasoned | Yes |
| Whether Reportable          | No  |