

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

**Criminal Revision 1427 of 2009  
Date of Decision : April 1, 2016**

|                  |        |                  |
|------------------|--------|------------------|
| Ram Bhaj         |        | .....Petitioner  |
|                  | Versus |                  |
| State of Haryana |        | ..... Respondent |

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

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Present : Mr. Sandeep Kotla, Advocate  
for the petitioner.

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

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

The petitioner was tried for committing offences punishable under Sections 419, 420, 467, 468 and 471 IPC. Vide judgment and order dated 7.5.2007, learned Judicial Magistrate 1<sup>st</sup> Class, Karnal, acquitted the petitioner of the charge under Section 467 IPC. However, the petitioner was held guilty for committing offences under Sections 419, 420, 468 and 471 IPC and sentenced as under:-

- (i) Rigorous imprisonment for one year under Section 419 IPC;
- (ii) Rigorous imprisonment for two years and to pay a fine of Rs.1,000/- under Section 420 IPC and in default of payment of fine, to

further undergo simple imprisonment for one month;

- (iii) Rigorous imprisonment for two years and to pay a fine of Rs.1,000/- under Section 468 IPC and in default of payment of fine, to further undergo simple imprisonment for one month; &
- (iv) Rigorous imprisonment for one year and to pay a fine of Rs.500/- under Section 471 IPC and in default of payment of fine, to further undergo simple imprisonment for fifteen days.

All the substantive sentences were ordered to run concurrently.

Aggrieved of his conviction and sentence, the petitioner filed an appeal. Vide judgment dated 18.5.2009, learned Additional Sessions Judge, Karnal, acquitted the petitioner of the offences, for which, he stood convicted and sentenced. In stead, the petitioner was convicted under Section 465 IPC, being a lesser offence, and sentenced to undergo rigorous imprisonment for six months and to pay a fine of Rs.1,000/- and in default of payment of fine, to further undergo simple imprisonment for one month.

Still not satisfied with his conviction and sentence, the petitioner filed the present revision, which was admitted on

27.5.2009. Subsequent thereto, on 4.6.2009, the petitioner was granted the concession of suspension of sentence of imprisonment.

The case of the prosecution as noticed by the lower appellate Court in para 2 of the impugned judgment is reproduced hereinbelow:-

“Facts borne out from the report under Section 173 Cr.P.C. are that on 16<sup>th</sup> October 1997 when ASI Shagat Singh accompanied by HC Ashok Kumar and Constable Bahadur Singh was present at L.V.C. Farsi Kanta Chowk, complainant Angrez Singh Singara Singh, resident of 165/13, Urban Estate, Karnal, approached him. His statement was recorded to the effect that he was owner of Tata 407 No. HR-045-1217 on which Surender son of Surjit, resident of Ram Nagar, Karnal was working as driver. The pollution certificate of the vehicle had expired. So, he told his driver to get the vehicle checked to obtain pollution certificate to avoid challan. His driver obtained a pollution certificate bearing No. 2702, Code No.D-15128 and showed it to him. He told him that a person at Namaste Chowk, G.T.Road, Karnal, was issuing certificates in the name of R.S.Pollution Centre C/o Delhi Service Centre, G.T.Karnal Road, Lakhami Piao Kundli Border, Sonapat. He also informed him that he was charging Rs.50/- for issuing certificate without pollution checking. He was further told that the person did not possess any pollution checking machine and

was issuing false certificates in the name of Rajender Singh, though his name Ram Bhaj was tattooed on his arm. It was prayed that legal action be taken. On the complaint, case under Sections 419, 420, 467, 468, 471 of the Indian Penal Code was registered and investigation was commenced. Accused Ram Bhaj son of Prem Singh was arrested on 16.10.97. On completion of usual formalities, challan was presented in the Court.”

Having heard learned counsel for the parties and on going through the impugned judgments passed by the Courts below, this Court is of the considered view that no case is made out for any interference of the conviction of the petitioner. The prosecution has led cogent and convincing evidence to establish the charge under Section 465 IPC against the petitioner. In this regard, reference may be made to the testimony of PW1 complainant Angrez Singh. Under these circumstances, this Court is of the considered view that no case is made out for setting aside the conviction of the petitioner under Section 465 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 nineteen years. He is not shown to be a previous convict. When he was examined under Section 248 IPC, he had pleaded that he was married and having two children. He was the sole bread winner of his family which also

consisted of his aged parents. As per the custody certificate produced by the learned State counsel, the applicant has already undergone total sentence of one month and twelve days.

Taking into consideration the totality of the circumstances, this Court is of the considered view that no useful purpose will be served by sending the petitioner behind the bars, at this stage, so as to undergo the remaining sentence of imprisonment imposed upon him. Ends of justice would be amply met, if his remaining sentence of imprisonment is set aside.

Resultantly, the conviction of the petitioner under Section 465 IPC is upheld. His remaining sentence of imprisonment is set aside. However, the sentence of fine along with its default clause is maintained.

The revision is, accordingly, disposed.

**April 1, 2016**  
amit rana

**( T.P.S. MANN )**  
**JUDGE**