

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

Crl. Revision 3215 of 2009

Date of Decision : April 06, 2016

Ram Chander

.....Petitioner

VERSUS

State of Haryana

.....Respondent

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

Present : Mr. Sudhir Sharma, 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 420, 467 and 471 IPC on the allegations of wrongful identifying various ration card holders. Vide judgment and order dated 18/19.5.2009, learned Judicial Magistrate 1st Class, Faridabad convicted him for the aforementioned offences and sentenced him as follows:-

- (i) Simple imprisonment for six months and to pay a fine of Rs. 2,000/- under Section 420 IPC;
- (ii) Simple imprisonment for six months and to pay a fine of Rs. 2,000/- for the offence under Section 467 IPC; and
- (iii) Simple imprisonment for six months and to pay a fine of Rs. 1,000/- under Section 471 IPC.

All the sentences were ordered to run concurrently. In

default of payment of fine, he was required to undergo further rigorous imprisonment for one month.

The case of the prosecution as noticed by the trial Court in the opening para of its judgment is re-produced here below:-

“Accused named above was sent by police of Police Station Chhainsa, Faridabad to face trial for commission of offence under Sections 420, 467 and 471 IPC on the allegations, in brief, that on dated 5.12.1997 a letter bearing No. 13180 dated 4.12.1997 was received from the District Food & Supply Controller, Faridabad regarding registration of case against Ex-Sarpanch, Rajupur Khadar. It was found that in the year 1992 Ex-Sarpanch had got prepared the bogus ration cards from the said department by way of D-1 form by identifying those persons, details of which have been mentioned in the complaint lodged by District Food & Supply Controller, Faridabad. According to the report of District Food & Supply Controller, Faridabad, the persons mentioned in the list were not residing in the Village Rajupur and they had already left the village about ten to twelve years ago. Neither their votes are in the village nor they ever gave Chulha Tax. Said Ram Chander used to take the ration of the said ration cards with his signatures and his signatures are also present in the register of depot holder. In this way, Ex-Sarpanch Ram Chander had misused his post by wrongly identifying those persons and by taking ration unauthorizedly in the

name of those persons.”

After going through the evidence brought on record by the prosecution and the statement of the petitioner under Section 313 Cr.P.C., the trial Court believed the prosecution version and convicted and sentenced him, as mentioned above. Aggrieved of the same, the petitioner filed an appeal. Vide judgment dated 1.12.2009, learned Additional Sessions Judge, Faridabad set-aside his conviction and sentence under Section 467 IPC. However, his conviction and sentence for the offences under Sections 420 and 471 IPC were upheld.

Having heard learned counsel for the parties and after going through the impugned judgments passed by the learned Courts below, this Court is of the considered view that the prosecution has led cogent and convincing evidence to prove the guilt of the petitioner. Even the report of the Forensic Science Laboratory indicates that it was the petitioner, who had signed while identifying various bogus ration card holders. Under these circumstances, no case is made out for any interference in the conviction of the petitioner for the offences under Sections 420 and 471 IPC.

Coming to the quantum of sentence, it may be noticed that the petitioner is not a previous convict. When he was examined by the trial Court under Section 248 Cr.P.C. he had stated that he had two college going sons and five daughters.

Further, the petitioner is facing the agony of criminal prosecution for the last more than sixteen years. As per the custody certificate produced by the learned State counsel, the petitioner has already undergone a period of nineteen days out of the sentence of six months imposed upon him. He is now on bail since 19.12.2009. There is no allegation from the side of the prosecution that the petitioner has misused the concession of bail in any manner.

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 so as to undergo the remaining sentence of imprisonment imposed upon him. Ends of justice would be amply met if his substantive sentences of imprisonment for the offences under Sections 420 and 471 are reduced to the one already undergone by him.

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

The revision is, accordingly, disposed of.

April 06, 2016
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(T.P.S. MANN)
JUDGE