

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

**Criminal Revision 1120 of 2011  
Date of Decision : May 25, 2016**

|                  |        |                  |
|------------------|--------|------------------|
| Manjit Singh     | Versus | .....Petitioner  |
| State of Haryana |        | ..... Respondent |

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

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Present : Mr. Gaurav Singla, Advocate  
                    Mr. Dhruv Dayal, Deputy A.G., Haryana.

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

The petitioner was tried for committing the offence punishable under Section 420 IPC. The trial Court convicted him for the aforementioned offence sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs.2,000/- and in default of payment of fine, to further undergo simple imprisonment for a period of thirty days. The period already spent by him during trial was allowed to set off against the sentence of imprisonment awarded. The fine was duly paid by the petitioner there and then.

Aggrieved of his conviction and sentence, the petitioner preferred an appeal but remained unsuccessful as the

same came to be dismissed by the lower appellate Court. Hence, the present revision, in which, he is currently on bail pursuant to order dated 3.6.2011.

The case of the prosecution has been noticed by the trial Court in para 2 of its judgment, which is reproduced herebelow:-

“It is the version of the prosecution that a letter bearing No. 64 dated 17.1.2003 was received to the police station, Pehowa from Shri R.P.Goyal, Sub Divisional Judicial Magistrate, Pehowa stating therein that as per prosecution case on 24.8.1997 at about 8.00 p.m. on Dhan Road in the area of police station, Pehowa accused Dharam Singh was found in his conscious possession two bags containing 83 kgs of poppy husk in tractor-trolley bearing No. RSM-1255 marka Escort and the said tractor trolley along with poppy husk were taken into possession by the police. Amrik Singh the alleged superdar moved an application in that case for releasing of tractor trolley on superdari and vide order dated 10.9.1997 the then Judicial Magistrate, 1<sup>st</sup> Class, Pehowa passed an order for releasing of tractor-trolley on superdari to its registered owner Shri Amrik Singh. The alleged owner/applicant furnished superdaginama on 10.9.1997 in the sum of Rs. 3 lacs and Manjit Singh son of Balkar Singh stood surety for said Amrik Singh and his surety bond was duly identified by Sukhdev Singh son of Pritam Singh. After completion

of investigation under section 173 CrP.C., the challan was put up before learned Illaqa Magistrate Pehowa Shri A.D.Gour, the then Learned Illaqa Magistrate committed the case to the court of learned Sessions Judge Kurukshetra. The case was assigned to the court of learned Addl. Sessions Judge Kurukshetra. During the trial on 3.4.1998 Amrik Singh alleged superdar of the tractor trolley moved an application to discharge him and also prayed for registration of criminal case against real culprits alleging that he had no concern with the tractor trolley and he never got released the same on superdari from the Court at Pehowa and he never signed or thumb marked the documents in the court at Pehowa and he was never in possession of said tractor trolley which had been sold by him in the year 1989 to Jagroop Singh and some strangers might have played fraud with the court at Pehowa while getting the said tractor trolley released on superdari. On the basis of said application Shri Ashok Bhardwaj, the then learned Addl. Sessions Judge Kurukshetra directed the courts at Pehowa to get a criminal case registered with the local police for investigation and on the basis of said direction Shri R. P. Goyal, the then learned S.D.J.M Pehowa wrote application vide memo No. 64 dated 17.1.2003 Ex. PW7/A to SHO Pehowa, regarding investigation and registration of case. Investigation set into motion. During the investigation, statements of witnesses were recorded. Accused was arrested formally. On

completion of investigation proceedings, the accused was challaned in due course to face trial before the Court”.

Having heard learned counsel for the parties, this Court finds that the petitioner had wrongly identified one person as Amrik Singh and the tractor trolley was released on superdari in favour of said Amrik Singh who was only a impostor. So much so, he admitted that he had stood surety against his own brother but none else. Under these circumstances, no case is made out for any interference in his conviction for the offence under Section 420 IPC.

As regards the quantum of sentence, it may be noticed that the petitioner is facing the agony of criminal prosecution for the last more than thirteen years. He is stated to be the first offender. As per the custody certificate already brought on record by learned State counsel, the petitioner has undergone an actual sentence of four months and sixteen days out of the sentence of one year imposed upon him.

Taking into consideration the totality of the circumstances, this Court is of the view that no useful purpose will be served by sending the petitioner behind the bars, once again, for undergoing his remaining sentence of imprisonment. Ends of justice will be suitably met, if his substantive sentence of

imprisonment is reduced to the one already undergone by him.

Resultantly, the conviction of the petitioner for the offence under Section 420 IPC is maintained. His substantive sentence of imprisonment is reduced to the one already undergone by him. The fine of Rs.2,000/- which already stood deposited by the petitioner with the trial Court at the time of conviction and sentence is, however, enhanced to Rs.5,000/-. The enhanced amount of fine be deposited with the trial Court within three months from today, failing which, he shall be required to undergo simple imprisonment for three months.

But for the modification in the quantum of sentence of imprisonment and fine, as indicated above, the revision fails and is, therefore, dismissed.

**May 25, 2016**  
amit rana

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