

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

Crl. Revision 1293 of 2011
Date of Decision : May 26, 2016

Baljeet Singh and another

.....Petitioners

VERSUS

State of Haryana

.....Respondent

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

Present : Mr. Rahul Deswal, Advocate

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

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

The petitioners were tried for committing the offences punishable under Sections 419 and 420 IPC. The trial Court convicted Manoj Kumar under Section 419 IPC while Baljeet Singh under Section 420 IPC and sentenced them to undergo simple imprisonment for two years and to pay a fine of Rs. 200/- each. The total fine of Rs. 400/- was duly paid by them. The appeal filed by them came to be dismissed by the lower appellate Court. Hence, the present revision in which they are currently on bail pursuant to the order dated 6.7.2011.

It is the case of the prosecution that on 20.5.2006, Manoj Kumar was taking the examination of MA (P) Paper-1, Public Administration in place of Baljeet Singh under Roll No.

311663 and was caught by the Centre Superintendent.

Learned counsel for the petitioners submits that the petitioners do not challenge their conviction. However, it is submitted that the petitioners are facing the agony of criminal prosecution for the last more than ten years. Petitioner Baljeet Singh has since obtained Masters Degree in Ancient Indian History (Annexure P-4) whereas petitioner Manoj Kumar has done Masters of Business Administration (Annexure P-5). Despite being highly educated, petitioner Baljeet Singh is an agriculturist by profession whereas petitioner Manoj Kumar is working in some private concern. Both of them are not previous convicts. They are the sole bread winners of their respective families. Out of the sentence of two years imposed upon them, they have already undergone a period of about two months. Prayer has, accordingly, been made for taking a lenient view in the matter of their sentence of imprisonment.

Learned State counsel has opposed the prayer by submitting that the sentence of imprisonment awarded to the petitioners is commensurate with the crime committed by them.

Custody certificate has already been brought on record by the learned State counsel, as per which each of the two petitioners has undergone an actual sentence of one month and twenty eight days.

Having heard learned counsel for the parties, this Court is of the considered view that no useful purpose will be served by sending the petitioners behind the bars, once again, for undergoing their remaining sentences of imprisonment. Ends of justice will be suitably met, if their substantive sentences of imprisonment are reduced to the one already undergone by them.

Resultantly, the conviction of Manoj Kumar under Section 419 IPC and of Baljeet Singh under Section 420 IPC is maintained. Their substantive sentences of imprisonment are reduced to the one already undergone by them. The sentence of fine is, however, enhanced from Rs. 200/- to Rs. 5,000/- each and in default of payment of the same, they shall 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 26, 2016
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(T.P.S. MANN)
JUDGE