

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

Crl. Revision 1774 of 2011
Date of Decision : May 06, 2016

Chander Bhan

.....Petitioner

VERSUS

State of Haryana

.....Respondent

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

Present : Mr. Virender Soni, 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 and 406 IPC on the allegations that he cheated complainant-Hoshiar Singh and four others of an amount of Rs. 1,35,000/- on the false pretext of getting them appointment in Gujarat Police. Vide judgment and order dated 20/21.3.2007, learned Judicial Magistrate 1st Class, Rewari convicted him for the offence under Section 420 IPC and sentenced him to undergo rigorous imprisonment for two years and to pay a fine of Rs. 2,000/- and in default of payment of fine, to undergo simple imprisonment for a period of one month. He was also convicted under Section 406 IPC and sentenced to undergo rigorous imprisonment for a period of one year and to

pay a fine of Rs. 1,000/- and in default of payment of fine, to undergo simple imprisonment for fifteen days. The substantive sentences were ordered to run concurrently.

Aggrieved of his conviction and sentence, the petitioner filed an appeal. Vide judgment dated 17.5.2011, learned Additional Sessions Judge, Rewari found no merit in the same and, accordingly, while upholding his conviction and sentence, dismissed the appeal. Hence, the present revision.

Learned counsel for the petitioner has not challenged the conviction of the petitioner for the offences under Sections 420 and 406 IPC. He has, however, stated that the petitioner is facing the agony of criminal prosecution for the last more than eighteen years. He was 56 years of age when he filed the appeal against his conviction and sentence i.e. 23.4.2007. The petitioner is not a previous convict and sole bread winner of his family. It is also submitted that out of the sentence of two years imposed upon him, he has already undergone a period of about eleven months. Prayer has, accordingly, been made for reducing his sentence of imprisonment.

Learned State counsel has opposed the prayer by submitting that the punishment awarded to the petitioner is commensurate with the crime committed by him and, therefore, no case is made out for granting any benefit to the petitioner.

Learned State counsel has, however, produced the custody certificate, as per which the petitioner has undergone total custody period of ten months and twenty nine days which includes remissions of eighteen days. The petitioner is not shown to be involved or convicted in any other case.

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 the remaining sentence of imprisonment imposed upon him. Ends of justice would be suitably met, if his substantive sentences of imprisonment is reduced to the one already undergone by him.

Resultantly, the conviction of the petitioner for the offences under Sections 420 and 406 IPC is maintained. His substantive sentences of imprisonment on both the counts shall stand reduced to the one already undergone by him. The fine of Rs. 1,000/- alongwith its default clause for the offence under Section 406 IPC is upheld. However, the fine of Rs.2,000/- imposed for the offence under Section 420 IPC is enhanced to Rs. 20,000/- and in default thereof the petitioner shall undergo simple imprisonment for six months. The enhanced amount of fine be deposited by the petitioner with the trial Court within a period of three months from today. In the event of depositing the

enhanced amount of fine, it be disbursed to complainant-Hoshiar Singh, as compensation.

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

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