

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

CRR No.1826 of 2015 (O/M)
Date of decision : May 27, 2016

Kabal Singh

..... **Petitioner**

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Kamal Narula, Advocate for
Mr. Sanjeev Sharma, Advocate for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Learned counsel for the petitioner presses the present revision
petition only on the point of quantum of sentence.

Notice to the Advocate General, Punjab, only on the point of quantum of sentence.

Mr. Ashish Sanghi, DAG, Punjab accepts notice on behalf of the State.

Petitioner, who happens to be Ex. Sarpanch of village Rode Jalle Wala, Tehsil Zira, Block Makhu, District Ferozepur, was convicted for the commission of offence punishable under Section 409 IPC, vide judgment of conviction and order of sentence dated 03.12.2010 passed by the learned Sub Divisional Judicial Magistrate, Zira and sentenced to undergo rigorous imprisonment for 2½ years and to pay a fine of ₹2,000/-, in default thereof to further undergo rigorous imprisonment for 2 months for allegedly indulging in the embezzlement of panchayat funds to the tune of

₹3,77,456.04. The judgment of conviction and order of sentence were affirmed in appeal by the learned Addl. Sessions Judge,-II, Ferozepur, vide judgment dated 18.03.2015.

The short prayer of learned counsel for the petitioner is to show some leniency in the sentence awarded upon the petitioner.

It comes out that while disposing of the appeal, the first appellate court directed that if the accused deposit ₹3,78,000/- in the account of Gram Panchayat, Village Rodhe Jalle Wala, Tehsil and District Ferozepur, 3/4th (75%) of the period of substantive sentence shall be reduced and he shall have to go undergo the sentence of imprisonment for a period of 1/4th (25%) of the sentence awarded upon him. However, the said amount is not stated to have been deposited. With the result that the sentence awarded by the Magistrate stands maintained.

After considering the facts and circumstances of the case and the period already undergone by the petitioner, there is some scope to show some leniency. Therefore, the sentence of rigorous imprisonment of 2½ years awarded upon the petitioner is reduced to 2 years. However, the remaining part of the sentence is maintained.

With the aforesaid modification, the present revision petition stands dismissed.

(KULDIP SINGH)
JUDGE

May 27, 2016
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