

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

**CRR No.1871 of 2016 (O&M)
Date of Decision: August 23, 2016**

Jagraj Singh alias Raja

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Gurinder Singh Hayer, Advocate
for the petitioner.

Mr.Varun Sharma, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Jagraj Singh @ Raja against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 06.06.2014 passed by learned Sub Divisional Judicial Magistrate, Nihal Singh Wala, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of ₹2000/- and in default of payment of fine, to undergo rigorous imprisonment for a period of fifteen days under Section 420 IPC and also challenging the judgment dated 01.02.2016 passed by learned Addl. Sessions Judge, Moga, vide which appeal filed by petitioner was dismissed.

At the time of preliminary hearing, learned counsel for the

petitioner did not dispute the concurrent findings of the Courts below regarding conviction and only contended on the point of reduction of sentence.

Notice of motion was issued only qua quantum of sentence.

Learned State counsel appeared and contested the petition.

From the record, I find that the challan was presented against petitioner in case FIR No.133 dated 06.12.2011. The brief facts of the case as noted down in the judgment passed by learned SDJM, Nihal Singh Wala, are as under:-

“2. Perusal of the police report reveals that in the case in hand, investigating agency came into motion on the basis of following statement of complainant Pritam Singh:-

Complainant is an agriculturist and having ten killas of land. On 21.11.2011, complainant visited the commission agency of Pardeep Kumar on his scooter. He got currency notes of Rs.1,96,000/- from said Pardeep Kumar which was the value of the crops sold to him. Complainant intimated him that he wanted to deposit this amount in his account maintained with Oriental Page No. 2 State Versus Jugraj Singh February 02 , 2015 Bank of Commerce, Nihal Singh Wala Branch. Said Pardeep Kumar filled up the voucher for depositing the amount. After taking said voucher, currency notes and his voter-card, complainant went to the Bank. Near the counter of the Bank, Jugraj Singh alias Raja met him. He inquired from the complainant that why he had come there. Complainant explained him that he wanted to deposit money. Complainant also intimated him that he had already filled up the voucher. Thereafter, said Jugraj Singh asked him to hand over currency notes and voucher so that he may deposit the amount. Relying upon his statement, complainant handed over the voucher and amount. Said Jugraj Singh took considerable time and thereafter, handed over counter foil of the voucher. Thereafter, he left the bank premises. Complainant waited for sufficient time but when said Jugraj Singh did not return, he inquired from cashier regarding deposit of his amount. Cashier intimated him that no such amount has been deposited. Thereafter, complainant went to commission agent Pardeep Kumar and narrated entire occurrence. Complainant tried to

trace said Jugraj Singh but he could not trace him.

3. Above referred statement of complainant was recorded on 06.12.2011 by SI Subhash Chander. On the basis of this statement, FIR was got registered against the accused. On 07.12.2011, investigating officer arrested the accused and recovered currency notes of Rs. 1,32,000/- from his possession. Statements of witnesses were recorded. After completion of investigation, police report was presented in the court under Section 173 of Criminal Procedure Code.”

Learned SDJM, Nihal Singh Wala, after appreciating the evidence, convicted and sentenced the petitioner as stated above. An appeal was filed by the petitioner and the same was dismissed by learned Addl. Sessions Judge, Moga, vide judgment dated 01.02.2016.

Aggrieved from the above-said judgments, present revision petition has been filed.

Learned counsel for the petitioner argued that petitioner is first offender, poor person, only bread earner of the family. He further contended that petitioner is suffering from the criminal proceedings since 2011.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Keeping in view the facts and circumstances of the present case and in view of the fact that petitioner is suffering from long protracted criminal proceedings since 2011 i.e. for the last about five years and he is first offender and only bread earner of the family, the sentence imposed upon the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of one year instead of three years under Section 420 IPC. However, sentence of fine and in default thereof, will remain the

same.

With the above-said modification in the sentence, the present revision petition stands dismissed.

August 23, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No