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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 4.2.2016

CRR No. 3030 of 2015 (O/M)
Sanjiv Jain ..... Revisionist

Versus

State of U.T. Chandigarh ..... Respondent

CRR No. 3152 of 2015 (O/M)
Sanjay Jain ..... Revisionist

Versus

State of U.T. Chandigarh ..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ramesh Sharma, Advocate, for the revisionist
in CRR No. 3030 of 2015.

Ms. Jatinder Jit Kaur, Advocate, for the revisionist
in CRR No. 3152 of 2015

Mr. G.S. Chahal, Additional Public Prosecutor,
for respondent-Union Territory, Chandigarh.

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 ?

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KULDIP SINGH, J.

By this single judgment, I will dispose of CRR No. 3030 of 2015 and CRR No. 3152 of 2015, filed by revisionists Sanjiv Jain as well as Sanjay Jain (Advocate), against the judgment dated 30.7.2015, passed by the learned Additional Sessions Judge, Chandigarh, affirming the judgment of conviction dated 18.9.2012 and order of sentence dated 21.9.2012, passed by the learned Judicial Magistrate 1st Class, Chandigarh, vide which the present revisionists were convicted and sentenced to undergo imprisonment as under :-

Convicts	**Section(s)**	**Sentence**
Sanjay Jain, Advocate and Sanjiv Jain	465 IPC	2 years each.
	466 IPC	3 years and fine of Rs. 500/- each.
	467 IPC	3 years and fine of Rs. 500/- each.
	468 IPC	3 years and fine of Rs. 500/- each.
	471 IPC	3 years and fine of Rs. 500/- each.
	120-B IPC	1 year each.

The brief facts of this case are that on 20.8.2002, one Aman, Clerk to Ashok Singla and Suresh Singla, Advocates, took a copy of order dated 21.11.2001, purportedly passed by a Division Bench of this Court, consisting of Hon'ble Mrs. Justice Bakshish Kaur and Hon'ble Mr. Justice A.K. Goel, in CWP No. 9725 of 1990, to the Copy Branch of this Court, for affixing seal of the High Court

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on the same. The concerned Copy Branch Clerk Pawan Kumar Vaid got suspicious that the said document is forged one and brought the matter to the notice of the Assistant Registrar (Copy), where Shri Munish Singla Advocate, told the Assistant Registrar (Copy) that the copy of order in question does not belong to them. On 21.8.2002, Shri Ashok Singla and Shri Sanjay Jain, Advocates, alongwith Vijay Kumar and Sudhir Gupta came to the office of Joint Registrar (Judicial), where the statements of Sanjay Jain, Advocate, Vijay Kumar and Sudhir Gupta were recorded by the Joint Registrar (Judicial). Sanjay Jain, Advocate, in his statement revealed that another forged certified copy of order dated 16.4.2001, relating to CWP No. 9725 of 1990 was also prepared.

During the investigation, it came out that Sanjay Jain, Advocate, forged the copy of the order dated 21.11.2001, relating to CWP No. 9725 of 1990 and also forged the copy of order dated 16.4.2001. Certified copy of CWP No. 9725 of 1990 was obtained, however, the original forged document could not be traced out. It was found that Sanjay Jain, Advocate, was instrumental in forging the document in connivance with Sanjiv Jain, and Rajiv Wadhwa, Clerk and Restorer respectively of the High Court. Vijay Kumar and Sudhir Gupta were the beneficiaries of the said forgery.

During the investigation, Vijay Kumar and Sudhir Gupta

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were arrested on 31.8.2003. Sanjay Jain, Advocate, was arrested on 3.9.2003 and at the instance of Sanjay Jain, Advocate, a computer was recovered, from which the forged order was typed. Specimen signatures and handwritings of the accused Sanjiv Jain and Rajiv Wadhwa, Clerk and Restorer respectively of this Court, were also taken. After recording the evidence, six persons, namely, Sudhir Gupta, Vijay Kumar, Sanjay Jain (Advocate), Sanjiv Jain, Rajiv Wadhwa, Clerk and Restorer respectively of this Court and Aman, Clerk to Shri Ashok Singla, Advocate,were put on trial.

The learned Judicial Magistrate 1st Class, Chandigarh, after the trial, convicted Sanjay Jain (Advocate), Sanjiv Jain and Rajiv Wadhwa, Clerk and Restorer respectively of this Court under Sections 465/466/467/468/471 IPC read with Section 120-B IPC and acquitted the remaining accused, vide judgment of conviction dated 18.9.2012 and order of sentence dated 21.9.2012. Separate appeals filed by the said three accused was dismissed by the learned Additional Sessions Judge, Chandigarh, vide judgment dated 30.7.2015.

Before this Court, only Sanjay Jain, Advocate, and Sanjiv Jain, Ex-Clerk of this Court, have come by way of filing the separate revisions.

I have heard the learned counsel for the parties and have

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also carefully gone through the file.

On behalf of Sanjay Jain, Advocate, the only prayer is for reduction in the sentence or ordering the sentence to the period already undergone on the ground that as per the medical record produced before this Court, the said Sanjay Jain, Advocate, is suffering from gangrene. His left leg has been amputated. Therefore, it is prayed that he be sentenced to the period already undergone by him, which is 1 year, 7 months and 11 days (as on 2.9.2015), as he has already suffered for his mis-deeds. It is added that the sentence of Sanjay Jain, Advocate, was suspended by this Court, vide order dated 24.9.2015.

However, on behalf of Sanjiv Jain, Ex-Clerk of this Court, it has been vehemently contended that Sanjiv Jain was not involved in the crime. There is nothing on file to show that he had charge of file with him.

The matter has been thoroughly examined by both the Courts below. During the inquiry before the Joint Registrar, Sanjay Jain, Advocate, has made a statement that he had paid Rs. 600/- to Sanjiv Jain (Clerk) for supplying the copy of order. Another sum of Rs. 1,500/- was paid to Rajiv Wadhwa, Restorer of this Court. It further comes out that Sanjiv Jain (Clerk) had brought the file in the Canteen of the High Court, so as to satisfy the concerned party

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about the genuineness of the order. Even a copy of order was inserted in the Court file. From the statements of the witnesses, it is clear that Sanjiv Jain, Restorer of this Court, was involved in the forgery and supplied forged copy, for which money was extracted from the concerned beneficiaries Vijay Kumar and Sudhir Gupta. The judgments of both the Courts below are based on sound reasoning. However, not only order dated 21.11.2011 was forged, it was found that another order dated 16.4.2001 was also forged. The fact that the original forged orders could not be recovered from the accused is no ground to hold that no forgery was committed. It was on the production of order dated 21.11.2001 that the Clerk of Copy Branch of this Court became suspicious and took the matter to the Assistant Registrar (Copy) and this is how the inquiry started. Hence, there is no ground to interfere in the concurrent findings of facts, recorded by both the Courts below.

So far as the case of Sanjiv Jain is concerned, he was performing his duties as official of this Court and many files remained in his custody. He ditched the same department, which was his bread and butter. Therefore, no leniency is to be shown in his case. So far as the case of Sanjay Jain, Advocate, is concerned, he had committed the forgery. A computer was recovered at his instance, where the forged order was prepared. Not only one order

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was forged, but it came out that another order was also forged. Therefore, despite his ailment and amputation of left leg, I do not find any ground to reduce the sentence. Consequently, I do not find any force in both the revisions and the same are accordingly dismissed.

Let Sanjay Jain, Advocate, be arrested and sent to the jail to undergo the remaining part of the sentence.

(KULDIP SINGH)
JUDGE

4.2.2016
sjks