

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Revision No.3469 of 2015 (O&M)

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Date of decision:22.9.2016

Gurmej Kaur

...Petitioner

v.

State of Punjab

...Respondent

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(2) Criminal Revision No.3499 of 2015 (O&M)

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Ruldu Singh alias Kashmir Singh

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Gourav Vema, Advocate for Mr. Rahul Deshwal, Advocate for the petitioners.

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

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Inderjit Singh, J.

This order will dispose of the above mentioned two criminal revision petitions filed under Section 401 Cr.P.C. challenging the impugned judgment dated 6.7.2015 passed by learned Additional Sessions Judge, Patiala, dismissing the appeals filed against the judgments of conviction and the orders of sentence dated 5.4.2014 passed by the learned Sub Divisional

Judicial Magistrate, Samana convicting the petitioners for the offences under Sections 120-B, 419, 467, 468 and 471 read with Section 120-B IPC and sentencing them to undergo rigorous imprisonment for three years each and to pay a fine of ₹2,000/- each and in default of payment of fine to further undergo simple imprisonment for one month on each count. They have also been convicted and sentenced to undergo rigorous imprisonment for two years each and to pay a fine of ₹2,000/- each and in default of payment to further undergo simple imprisonment for one month each for the offence under Section 471 read with Section 120-B IPC. All the sentences have been ordered to run concurrently.

Notice of motion qua quantum of sentence only has been issued in these cases.

Mr. Varun Sharma, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested these revision petitions.

I have heard learned counsel for the petitioners and learned Assistant Advocate General, Punjab, for the respondent-State and have gone through the record.

In the present cases, challan has been presented against Gurmej Kaur, Ruldu Singh alias Kashmir Singh and Ajit Singh by the Police in FIR No.60 dated 12.3.2009 registered for the offences 419, 467, 468, 471 and 120-B IPC at Police Station Patran.

The brief facts of the case as noted down in the judgments of learned Sub Divisional Judicial Magistrate, Samana, are as under:-

“The present case emanates from application/complaint dated 25.10.2008 moved by complainants Swaran Kaur and Charan Kaur to the SSP, Patiala for registration of case against accused as named in the said application. The gist of the application is to the effect that the complainants are real sisters of Ruldu Singh alias Kashmir Singh and Gurmej Kaur is wife of Ruldu Singh @ Kashmir Singh. Whereas Swaran Kaur resides in Village Thal, Tehsil Asandh, District Karnal (Haryana) and Charan Kaur resides in Village Kamomajra Khurd, Tehsil and District Sangrur. They along with their 5 brothers inherited property of their father Udham Singh. Their brother Faqir Singh was bachelor and died issueless. Both the sisters had given their respective land to their brother Rulda Singh for the purpose of cultivation and he used to pay them lease amount. In September 2008 when the complainants obtained copy of jamabandi for the purpose of taking loan against the land, they came to know that their land has been got transferred in the name of Gurmej Kaur wife of Rulda Singh and in the revenue record their names have been deleted. On enquiry, they came to know that Rulda Singh in connivance with Ajit Singh Numberdar and Darshan Singh got prepared a Power of Attorney dated 17.3.1998 on which Gurmej Kaur appended her thumb impression by impersonated as Swaran Kaur. It was conveyed to Charan Kaur that the said document was being

prepared for getting compensation for crop loss. Kirap Kaur was also kept under dark regarding this document. On 14.7.2008 Rulda Singh in connivance with Gurmej Kaur, Hardeep Singh former Numberdar, Puran Singh former Sarpanch, Dharampal Goel Deed writer got executed registered sale deed No.11097 dated 14.7.2008 in favour of Gurmej Kaur. Rulda Singh represented himself as power of attorney holder of the complainants and got transferred their property in the name of Gurmej Kaur. The photograph on the power of attorney is that of Gurmej Kaur and not of Swaran Kaur. Mainly with these averment a prayer for taking action against the above named accused was made. On the basis of this complaint the matter was enquired into and thereafter the present case was registered. The accused were arrested and after completion of necessary formalities of investigation, challan was presented in Court against accused.”

Ajit Singh-accused died during the pendency of the trial and proceedings qua him were abated.

The prosecution examined PW-1 Ram Lal Registry Clerk, PW-2 Swaran Kaur, PW-3 Insp. Subeg Singh, PW-4 Dharampal Goel, Deed Writer, PW-5 Maya Parkash, PW-6 Parshotam Lal Singla, Deed Writer, PW-7 Pawan Kumar, Halqa Patwari and PW-8 Dr. Inderjit Singh, Expert.

After the close of the prosecution evidence, the statements of the accused were recorded under Section 313 Cr.P.C., in which all the

incriminating evidence came against the accused was put to them, but they denied all the allegations and pleaded innocence and false implication.

The learned Sub Divisional Judicial Magistrate, Samana, vide judgments dated 5.3.2014 convicted both the revision petitioners for the offences mentioned above and sentenced them to undergo the rigorous imprisonment as mentioned above.

Against these judgments, appeals were filed before the Sessions Court. Learned Additional sessions Judge, Patiala, vide judgments dated 6.7.2015 after re-appreciating the evidence, dismissed the same. Aggrieved from these judgments, the present revision petitions have been filed.

At the time of arguments, learned counsel for the revision petitioners has only argued for reduction of sentence and notice of motion was issued qua quantum of sentence only.

From the record, I find that the findings given by the Courts below are correct as per evidence and law and after appreciating the evidence in right perspective has rightly held both the accused guilty of the charges as stated above.

Gurmej Kaur-accused, who is the wife of Ruldu Singh alias Kashmir Singh is the beneficiary and sale deed has been executed in her favour. It is duly proved that the power of attorney is a forged document having the photograph of Gurmej Kaur, who has impersonated as Swaran Kaur. Keeping in view the evidence on record and the findings given by the Courts below, I find that the conviction of the present petitioners is correct as per evidence and law.

As regards the sentence, I find that Ruldu Singh alias Kashmir Singh convict has already undergone sentence for one year, 4 months and 24 days including remission of one month 29 days. Similarly, Gurmej Kaur has also undergone sentence of one year, 3 months and 28 days including remission of one month 29 days.

The FIR in the present case is of the year 2009 and both the revision petitioners have suffered from the legal protracted criminal proceedings for the last more than 7½ years. Learned counsel for the petitioners also argued that they will not contest regarding the cancellation of the sale deed before the Civil Court etc. He also argued that both the husband and wife are in custody and their family is suffering a lot.

Keeping in view the facts and circumstances of the present cases, nature and gravity of the offence and the fact that the petitioners are already suffering from the long protracted criminal proceedings and are being first offenders, the sentence of imprisonment of the petitioners is reduced to one year nine months in all the offences under which they have been convicted and sentenced. However, the sentence of payment of fine and in default of payment of fine sentence will remain the same. All the sentences to run concurrently.

With this reduction in sentence of imprisonment, the revision petitions are dismissed.

September 22, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No