

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR No.3695 of 2015 (O&M)****Date of Decision: January 15, 2016**

Ashwani Kumar

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Raj Kumar Gupta, Advocate
for the petitioner.

Ms.Shivani, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Ashwani Kumar against State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 01.02.2011 passed by learned Judicial Magistrate 1st Class, Ludhiana, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of ₹1000/- and in default of payment of fine, to further undergo simple imprisonment for a period of seven days under Sections 420, 465, 468 and 471 IPC each and further to undergo rigorous imprisonment for a period of three years and to pay fine of ₹1000/- and in default of payment of fine, to further undergo simple imprisonment for a period of fifteen

days under Section 467 IPC and also challenging the judgment dated 27.08.2015 passed by learned Addl. Sessions Judge, Ludhiana, vide which appeal filed by petitioner was dismissed with the modification in the sentence part and the petitioner was directed to undergo rigorous imprisonment for a period of 1½ years under Sections 420, 465, 468 and 471 IPC each and to undergo rigorous imprisonment for a period of two years under Section 467 IPC. However, the sentence of fine under all heads was maintained.

At the time of preliminary hearing, notice of motion was issued qua quantum of sentence only.

Learned State counsel appeared and contested the revision petition.

At the time of arguments, learned counsel for the petitioner has not pressed the conviction by both the Courts below and only prayed for reduction of sentence imposed upon the petitioner. He contended that the accused-petitioner is first offender, he has family to support and only bread earner of the family. Learned counsel for the petitioner further contended that the petitioner is suffering from the criminal proceedings since 1998.

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

From the perusal of the record, I find that the FIR in the present case has been lodged on the application of R.K.Gupta, Chief Manager, Punjab National Bank. As per the allegations, the present petitioner approached the bank with the request on letter pad of M/s

Mohini Exports signed by its partner to issue bearer DD for ₹20,000/- in favour of Subash Tripathi payable at New Delhi. He also presented request on letter pad of M/s LC Oswal Hosiery Factory duly signed by its partner to issue two bearer DDs for ₹20,000/- each in favour of Ramesh Jain and Rakesh Jain payable at New Delhi. As the bank had already received complaints from the firms that fraudulent drafts have been got prepared, so the Bank officials called the police and accused was apprehended.

From the record, I find that that FIR in the present case was registered in year 1998 and 17 years have passed so far and the accused-petitioner is suffering from long protracted criminal proceedings for the last more than 17 years. Further, the petitioner is first offender, only bread earner of the family and has already undergone 8 months and 8 days including remission out of the total sentence.

Keeping in view the above facts and circumstances, the sentence of the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of one year each under all heads i.e. under Sections 420, 465, 467, 468 and 471 IPC. However, the sentence of fine and default sentence shall remain the same. All the sentences are ordered to run concurrently.

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

January 15, 2016
Vgulati

(INDERJIT SINGH)
JUDGE