

234 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRR No.4881 of 2015 (O&M)  
Date of Decision: February 02, 2016

Suresh

.... Petitioner

vs.

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Pardeep Goyal, Advocate for the petitioner.  
Mr. Yashwinder Singh, DAG, Punjab.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
- 2. To be referred to the Reporters or not?
- 3. Whether the judgment should be reported in the Digest?

Kuldip Singh J.(Oral)

The petitioner has impugned the judgment dated 15.10.2015 passed by learned Sessions Judge, Faridabad, affirming the judgment of conviction and order of sentence dated 24.12.2013 passed by learned Judicial Magistrate 1<sup>st</sup> Class, Faridabad, vide which the accused-petitioner was convicted and sentenced as under:

| Sr. No. | Offence Punishable u/s | Sentence (S.I.) | Fine (₹) | In default of Fine (S.I.) |
|---------|------------------------|-----------------|----------|---------------------------|
| 1       | 120-B IPC              | 3 months        | 500      | 5 days                    |
| 2       | 419 IPC                | 2 years         | 1,500/-  | 30 days                   |
| 3       | 467 IPC                | 2 years         | 2,000/-  | 30 days                   |
| 4       | 468 IPC                | 1 year          | 1,000/-  | 15 days                   |

All the substantive sentences were directed to run concurrently.

The limited prayer made at the time of motion stage is for reduction of sentence.

I have heard learned counsel for the parties and have also carefully gone through the case file.

The short facts, which need to be reproduced for the purpose of disposal of the present revision are that father of complainant Mahavir Singh died in a motor vehicular accident on 01.04.1991 and compensation to the tune of Rs.16,000/- along with interest @ 12% per annum was granted by the Motor Accident Claims Tribunal, Faridabad. Since, the claimants Gomti Devi, Shyambir and complainant Mahavir were minors, the compensation awarded to them to the extent of their share was ordered to be deposited in a nationalized bank in the shape of FDRs and to be released to them on becoming major. After attaining the age of majority, when complainant Mahavir filed an application before the Court for release the FDR, the FDRs in the names of complainant and his younger brother Shyambir were not traceable. On inquiry, it came out that somebody had already obtained the order of release of money of FDR from the court and the said FDRs had already been encashed from the bank. During investigation, it came out that one Ramanand, Clerk of Shri S.S. Rao, Advocate, Faridabad took away the FDR Nos.501717 and 501719 from the Court and thereafter, forged the court orders for the release the amount of FDRs from the bank. Thereafter, he produced his son Lovkesh and his relative Suresh, who respectively impersonated as Shyambir and Mahavir before the bank and got the amount released.

The allegations itself show that these are very serious in nature. Not only FDRs were removed from the custody of the court but forgery of the court orders was also done and the amount was got released by him from the bank by impersonation. The maximum sentence awarded in this case is only 2 years, which is already on lighter side.

I am of the view that in case of forgery and fraud with the court, a strict view should have been taken by awarding exemplary punishment.

Learned counsel for the accused-petitioner has placed reliance upon Full Bench authority of Hon'ble Patna High Court delivered in case of ***“Madeshwardhari Singh and another vs State of Bihar”***, 1990(3) R.C.R.(Criminal) 302 and has pressed that the petitioner is facing trial since the year 2001 and now 15 years have elapsed. Therefore, sentence of imprisonment may be reduced.

The judgment of lower court shows that before the lower court itself 12 years were taken to conclude the trial, apparently, on account of one or the other reason. Therefore, in these circumstances, the time consumed in the trial cannot be considered as an effective ground to reduce the sentence of imprisonment.

Keeping in view the seriousness of the allegations and the fact that the lower court has already awarded sentence of imprisonment to the accused-petitioner on lighter side, no further concession in the quantum of sentence is possible.

Accordingly, the present revision petition stands dismissed.

**February 02, 2016**  
sarita

**(KULDIP SINGH)**  
**JUDGE**