

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

CRR No.4158 of 2016 (O&M)

Date of decision: 29.11.2016.

Swarandeeep Singh @ Mandip Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Vaibhav Sehgal, Advocate,
for the petitioner.

Mr. Mehardeep Singh, Addl. AG, Punjab.

JITENDRA CHAUHAN.J.

This revision is directed against the judgment and order dated 19.02.2014, passed by Judicial Magistrate First Class, Ludhiana vide which the petitioner was convicted under Sections 411, 467, 468, 471 IPC and sentenced to undergo RI for two years and to pay fine of Rs.500 under each of the offences, with default stipulation; and the judgment dated 03.11.2016 passed by Additional Sessions Judge, Ludhiana, whereby the appeal filed by the petitioner was dismissed.

The petitioner has been convicted on the allegations

of forging the valuable security and for using the same as genuine. During nakabandi held at Jamalpur Chowk, he petitioner was found in possession of Zen car bearing No. PB-17-6379 and was unable to reply in respect of ownership proof of the said vehicle. Hence, the car was taken into police possession vide memo Ex.P-4. Later, the petitioner made disclosure statement that he has kept concealed one car bearing No. PB-17-6583 and car was taken into police possession vide memo Ex.P-14. Two RCs were recovered in respect of the said vehicles. Further, the RC Ex., PW-6/1 was not issued by registering authority, Baba Bakala, Amritsar and signatures on the same were forged one and that number was allotted to vehicle Hero Honda Panther and RC, Ex.PW-6/1 pertained to same number PB-17-6379 but it was issued for Maruti Zen car and the same was forged one.

At the outset, the learned counsel for the petitioner submits that he does not challenge the judgment of conviction on merits but prays that a lenient view be taken in the matter of sentence. It is further submitted that out of the total sentence of two years, the petitioner has already undergone sentence of one year, 10 months, and 15 days; the petitioner is aged 45 years; he has been suffering from various ailments; he is the sole bread earner of his family and; he has been facing the agony of protracted criminal proceedings since 2005.

Though, no challenge is laid to the judgment of conviction still this Court has gone through the entire evidence and

finds that one car bearing No. PB-17-6379 was recovered from the possession of the accused during nakabandi and another car bearing No. PB-17-6583 was recovered by the police in pursuance to the disclosure statement made by the petitioner. Further, PW-6, Amandeep Singh, Clerk DC Office, Amritsar has proved on record that RCs Ex.PW-6/1 and Ex.PW-6/2 recovered from the possession of the petitioner were forged as the same were not issued by the licensing authority. This Court finds no reason to interfere in the well reasoned judgments of conviction passed by the Courts below. Thus, the judgments of conviction are upheld.

Now adverting to the quantum of sentence, taking into consideration the fact that the petitioner is 45-year old; he is the sole bread winner of his family; he has already undergone sentence of 1 year, 10 months and 15 days out of total sentence of two years; he has been suffering from various ailments, which fact has been verified by the State, this Court feels that these are the mitigating factors in favour of the petitioner to take a lenient view in the matter of sentence. Accordingly, the sentence of the petitioner is reduced from two years to the period already undergone by him. The petitioner shall pay a sum of Rs.50,000/- towards costs of litigation within a period of six weeks from today. In case the amount is not deposited within the stipulated period, the instant revision petition shall be deemed to be dismissed without further notice. The petitioner is stated to be in custody. He be

released forthwith, if not required in any other case.

The revision is allowed partly in the manner indicated above.

29.11.2016.
SN

(JITENDRA CHAUHAN)
JUDGE

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