

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

Crl. Appeal S-2039-SB of 2003
Date of Decision : August 18, 2017

Karnail Singh

.....Appellant

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN

Present : Mr. Bikramjit Singh Randhawa, Advocate
as legal aid counsel for the appellant.

Mr. Jagmohan Ghumman, Deputy A.G., Punjab.

T.P.S. MANN, J. (Oral)

The appellant was tried for committing the offences punishable under Sections 304/338/279/468 IPC. Vide judgment and order dated 10.10.2003, learned Additional Sessions Judge-Fast Track Court, Ferozepur acquitted him of the charges under Sections 304, 338 and 279 IPC. However, he was absolved of the charge under Section 468 IPC. Instead, he was convicted under Section 471 IPC and sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs. 1,000/- and in default of payment of fine, to further undergo rigorous imprisonment for three months. The fine amount was deposited by him there and then.

Aggrieved of his conviction and sentence, the appellant filed the present appeal which was admitted on 4.11.2003. Simultaneously, his sentence of imprisonment was also suspended.

According to the prosecution, the appellant was found in possession of a forged driving licence which he used for the purpose of cheating and, accordingly, he stands convicted and sentenced under Section 471 IPC.

On going through the evidence, which is available on the record, this Court finds that when the appellant was apprehended, he was found in possession of a driving licence which was forged and he had used the same as genuine. Under these circumstances, no case is made out for any interference in the impugned judgment of conviction.

As regards the question of sentence, it may be noticed that the appellant is facing the agony of criminal prosecution for the last more than fifteen years. He has already deposited the fine imposed upon him by the learned trial Court. When he was heard by the learned trial Court on the quantum of sentence, he had pleaded that he was a poor person and having small children to maintain. Further, he was a first offender.

As per the custody certificate produced by the learned State counsel, the appellant has undergone an actual period of

one month and twenty four days out of the sentence of one year imposed upon him. It is also stated therein that the appellant is neither involved nor convicted in any other case.

Taking into consideration the totality of the circumstances, this Court is of the view that no useful purpose will be served by sending the appellant behind the bars, once again, so as to undergo his remaining sentence of imprisonment. Ends of justice shall be suitably met, if his substantive sentence of imprisonment is reduced to the one already undergone by him.

Resultantly, the conviction of the appellant under Section 471 IPC is upheld. However, his substantive sentence of imprisonment is reduced to the one already undergone by him. The sentence of fine alongwith its default clause is maintained.

But for the modification in the quantum of sentence of imprisonment, as indicated above, the appeal fails and is, therefore, dismissed.

August 18, 2017
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(T.P.S. MANN)
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No