

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

CRR No.3179 of 2012 (O&M)
Date of Decision: March 21, 2017

Ram Singh

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Jai Bhagwan, Advocate
for the petitioner.

Mr.Parveen Aggarwal, Deputy Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Ram Singh against respondent State of Haryana, challenging the impugned judgment of conviction dated 02.03.2012 and order of sentence dated 03.03.2012 passed by learned Sub Divisional Judicial Magistrate, Jind, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹1000/- and in default of payment of fine, to further undergo imprisonment for a period of three months under Section 419 IPC and also challenging the judgment dated 03.10.2012 passed by learned Sessions Judge, Jind, vide which appeal filed by petitioner was dismissed.

petitioner in case FIR No.18 dated 14.01.2009. The brief facts of the case as noted down in the judgment passed by learned SDJM, Jind, are as under:-

“2. Brief facts of the case of the prosecution are that on the complaint of Raldu Ram son of Chhajju Ram, the Sub Divisional Officer (civil), Narwana marked an enquiry to the Tehsildar, Narwana, who submitted his report to the Sub Divisional Officer (Civil), Narwana on the basis of which the prosecution against the accused was launched. Raldu Ram son of Chhajju Ram had made a complaint to the Sub Divisional Officer (Civil), Narwana that he is permanent resident of village kharawal, District Jind and that accused, namely Ram Singh, resident of their village, posing himself as Namberdar, extracting money from the people after attesting the title deeds. But the police was not taking any action against the accused because they had colluded with Ram Singh. It was thus requested that appropriate action be taken against the accused. On this complaint, enquiry was marked to the Tehsildar, who reported the matter to the Sub Divisional Officer (Civil), Narwana vide letter No.221/R dated 17.04.2008. The Tehsildar concluded that accused Ram Singh not being the Namberdar had affixed his identification in the capacity of the Namberdar over the title deeds and has committed a serious offence because even the most hardened criminals are released on parole on the identification of the Namberdar and such offence have serious consequence. It was thus requested that appropriate action be taken against the accused.”

Learned SDJM, Jind, after appreciating the evidence, convicted and sentenced the petitioner as stated above. An appeal was filed by the petitioner and the same was dismissed by learned Sessions Judge, Jind.

Aggrieved from the above-said judgments, present revision petition has been filed by the petitioner.

At the time of arguments, learned counsel for the petitioner did not dispute the concurrent findings given by learned Courts below, regarding conviction and only contended on the point of reduction of sentence. Learned counsel for the petitioner argued that petitioner is first

proceedings since 2009 and has already undergone actual sentence of 4 months.

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

In view of the evidence, I find that the prosecution has duly proved its case by leading cogent evidence beyond reasonable doubt. Therefore, the judgment of conviction dated 02.03.2012 passed by learned SDJM, Jind, is correct, as per law and does not require any interference from this Court.

However, keeping in view the facts and circumstances of the present case and in view of the fact that petitioner is stated to be first offender, sole bread earner of the family and is facing long protracted criminal proceedings since 2009 i.e. for the last about 8 years and also in view of the fact that petitioner has already undergone actual sentence of 4 months, the sentence imposed upon the petitioner is reduced to the sentence already undergone by him. However, the sentence of fine and in default thereof, shall remain the same. The petitioner is directed to pay the fine within one month from the date of receiving the certified copy of the order, if already not paid, otherwise, the trial Court is directed to take necessary action as per law.

Therefore, the present revision petition stands partly allowed.

Since, petitioner Ram Singh is on bail, his bail/surety bonds stand discharged.

March 21, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No