

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Revision No.4557 of 2016(O&M)

Date of Decision: February 20, 2017

Bagjit Singh son of Kartar SinghPetitioner

Versus

State of PunjabRespondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.HS Gill, Senior Advocate with
Mr.Vivek Goel, Advocate for the petitioner.

Mr.Neeraj Sharma, Assistant Advocate General, Punjab.

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TEJINDER SINGH DHINDSA, J.

The petitioner herein faced trial in FIR No.13 dated 14.5.2004, under Sections 420, 467, 468, 471 of the Indian Penal Code, registered at Police Station Vigilance Bureau, Bathinda. The trial culminated in the conviction of the petitioner vide judgment dated 25.8.2012 passed by the Judicial Magistrate Ist Class, Faridkot and he was convicted and sentenced as follows:

<u>Section</u>	<u>Sentence</u>	<u>Fine</u>	<u>In default</u>
420 IPC	RI three years	₹1500/-	two months
467 IPC	RI three years	₹1500/-	two months
468 IPC	RI three years	₹1500/-	two months
471 IPC	RI one year	₹1000/-	one month

2. Appeal having been preferred, the same has been partly allowed in terms of judgment dated 29.11.2016 passed by

the learned Additional Sessions Judge, Faridkot and the appellant/petitioner herein was acquitted for the offence under Sections 420, 467, 468 of the Indian Penal Code, but his conviction for the offence under Section 471 of the Indian Penal Code was upheld and the sentence of imprisonment was reduced from one year to six months and ₹1,000/- fine. The instant revision is directed against the judgment dated 29.11.2016 passed by the learned Additional Sessions Judge, Faridkot.

3. Learned counsel appearing for the petitioner, at the very outset, makes a statement that he is not assailing the conviction of the petitioner on merits but would seek indulgence of this Court with regard to reduction of sentence. In support of such submission, it is submitted that the petitioner has faced the agony of criminal proceedings for more than a decade and has already undergone a sentence period in excess of two months.

4. Keeping in view the limited submission raised by learned counsel, it would not be necessary for this Court to delve into the merits of the case. Suffice it to notice that the accusation against the petitioner was that he had obtained a job on the basis of a forged B.Ed. certificate and which ultimately led to his conviction under Section 471 of the Indian Penal Code and sentence to undergo imprisonment for six months.

5. In the considered view of this Court, there are sufficient mitigating circumstances that would warrant acceptance of the prayer as regards reduction of sentence.

6. Petitioner has faced the pangs of criminal proceedings for more than ten years. Based upon conviction, the petitioner

has already lost his job which he had secured on the strength of forged B.Ed. certificate. Petitioner is stated to be a poor person and the sole bread winner of the family. As per custody certificate furnished by learned State counsel, petitioner has undergone an actual sentence period of one month, 20 days as on 18.1.2017. In other words, the actual sentence undergone would be two months and 22 days approximately. Petitioner is not stated to be involved in any other case.

7. For the reasons recorded above, the present revision is partly accepted. Conviction of the petitioner for the offence under Section 471 of the Indian Penal Code is maintained. Sentence is reduced to the period already undergone.

8. Petitioner be released forthwith upon payment of fine, if not already paid.

9. Revision petition is disposed of accordingly.

February 20, 2017

SRM

(TEJINDER SINGH DHINDSA)
JUDGE

Note: *Whether speaking/reasoned?* *Yes/No*

Whether Reportable? *Yes/No*