

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

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**CRR-1176-2017 (O&M).
Date of Decision: 31.07.2017.**

Tarlok Singh and others	Versus	Petitioners.
State of Punjab		Respondent.

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Ms. Satwant Mehta, Advocate for the petitioners.

Mr. B.S. Baath, Deputy Advocate General, Punjab.

Ramendra Jain, J.(Oral)

Revisionist-petitioners have been sentenced for rigorous imprisonment for two years each under Section 420 of the Indian Penal Code and to pay a fine of ₹2,000/- each and in default of payment of fine to further undergo imprisonment for one month. They have also been convicted for rigorous imprisonment for six months each under Section 120-B I.P.C. vide judgment of conviction and order of sentence dated 11.03.2014 passed by learned Sub Divisional Judicial Magistrate, Patti. Both the sentences were ordered to run concurrently. Their first appeal has been dismissed by learned Additional Sessions Judge, Tarn Taran, vide judgment dated 23.01.2017.

By way of the instant revision, the petitioners have assailed findings of learned first appellant Court as well as the trial Court. However, learned counsel for the petitioners, during the course of arguments, contended that she does not challenge the impugned judgment of conviction

the first appellate Court qua conviction of the petitioners under Sections 420 and 120-B I.P.C., but prays for modification in the sentence of the petitioners to the extent of the one already undergone by them.

According to the custody certificates, produced on record, all the petitioners have already undergone actual sentence of 05 months, 12 days and with remission 06 months, 02 days out of a total sentence of two years.

The only allegation against the petitioners is that while obtaining loan from the bank, petitioner No.1-Tarlok Singh introduced himself as son of Jasmail Singh alias Jarnail Singh instead of Jail Singh and the remaining two petitioners-Amanat Singh @ Mahni and Pargat Singh have been sentenced under Section 120-B I.P.C. Learned counsel for the petitioners contends that the entire loan has been paid by the petitioners. No fraud has been committed by them prior to this with anyone. The petitioners have already faced a protracted trial of around nine years. Complainant Lakhwinder Singh (PW3) had turned hostile.

In view of the totality of the facts and circumstances narrated above, the judgment of conviction dated 11.03.2014 as that of first appellate Court dated 23.01.2017 are affirmed. However, the impugned order of sentence dated 11.03.2014 is hereby modified and reduced to the one already undergone by them.

Petition is disposed of accordingly.

31.07.2017
jitender

(RAMENDRA JAIN)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether Reportable

Yes/ No