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IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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CRR No. 1495 of 2017 (O&M)

Date of Decision: 27.09.2017

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Dharambir Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

**CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr. Sandeep Kumar Yadav, Advocate,  
for the petitioner.

Mr. D.R. Singla, D.A.G., Haryana.

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**SUDIP AHLUWALIA, J. (ORAL)**

The petitioner was convicted for the offence under Section 409 of the Indian Penal Code by the Court of the Ld. Judicial Magistrate Ist Class, Kosli, and was awarded Rigorous Imprisonment for a period of two years along with a sentence of fine to the tune of ₹ 5,000/- (Rupees Five Thousand Only). His appeal against the judgment of conviction was dismissed.

2. The petitioner has now approached this Court initially challenging his conviction.

3. However, during the course of hearing, Ld. Counsel for the

petitioner submits that at this stage, his client, who was originally a Government Servant, being a Small Branch incharge in the Post Office, has already been dismissed from his job, following his conviction, and in the given circumstances, instead of seeking to challenge such conviction, he prays for reduction of the punishment awarded to him due to certain peculiar circumstances concerning his personal conduct.

4. The petitioner was convicted on the charges that he had defalcated Government money in the form of recurring deposits made by various investors in the Post Office Saving Bank. The total amount so defalcated was to the tune of ₹ 1,03,700/- (Rupees One Lac Three Thousand and Seven Hundred Only). But the petitioner deposited that full amount long before the F.I.R. was lodged against him on 01.09.2012. This fact is also verified from the observations of the Ld. Appellate Court in Para 14 of its judgment passed in appeal on 06.03.2017.

5. Undoubtedly, breach of trust by a Public Servant/Government Employee is a very serious matter.

6. In the present case, however, considering that the petitioner was a petty Government Servant, that total amount of embezzlement was relatively small which, in any case, was paid up by the petitioner long before the criminal proceedings against him were started and, in any event, he has undergone and is still undergoing imprisonment post his conviction, he appears to deserve some leniency, in view of the fact that he is now rendered jobless and his dependent family members are virtually in a destitute condition.

7. For the aforesaid reasons, while sustaining the petitioner's

conviction, the sentence awarded to him is reduced to rigorous imprisonment for a period of one year, but the fine payable by him shall be enhanced to ₹ 20,000/- (Rupees Twenty Thousand Only) in place of ₹ 5,000/- (Rupees Five Thousand Only) awarded earlier, in default of which, he shall suffer further rigorous imprisonment for a period of six months.

8. Disposed off.

**27.09.2017**

Apurva

**(SUDIP AHLUWALIA)**  
**JUDGE**

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No