

223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.1606 of 2017 (O&M)
Date of decision : September 28, 2017

Sukhjinder Singh alia Sukhwinder Singh Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. J.C. Batra, Advocate for the petitioner.
Ms. Monika Jalota, DAG, Punjab.

- 1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
- 2. To be referred to the Reporter or not.
- 3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Learned counsel for the petitioner presses the present revision petition only on the point of quantum of sentence.

Custody certificate of the petitioner has been filed in the Court today and the same is taken on record.

The petitioner was convicted and sentenced by the learned Addl. Chief Judicial Magistrate, Moga, vide judgment of conviction and order of sentence dated 03.08.2016, which is as under:

Sr. No.	Offence	Imprisonment	Fine	In default of payment of fine
1	468 IPC	R.I. for two years	Rs.10,000/-	R.I. for four months
2	471 IPC	R.I. for two years	--	--

Both the sentences were directed to run concurrently.

In the appeal filed by the petitioner, learned Addl. Sessions Judge, Moga, vide judgment dated 12.04.2017 reduced the sentence of rigorous imprisonment for two years to rigorous imprisonment for one year on each count and the recovery part of the sentence was maintained.

As per custody certificate dated 27.09.2017, the petitioner has already undergone the total sentence of 9 months and 4 days including remission of 1 month and 20 days

The allegations against the petitioner are that he got the job of Patwari on the basis of fake matriculation examination certificate.

Learned counsel for the petitioner contends that the petitioner has otherwise lost his job.

Considering the facts and circumstances of the case and the period of detention and also considering the fact that as per custody certificate, the petitioner is not a previous convict nor any other case is pending against him, the sentence for rigorous imprisonment for one year awarded to the petitioner for the commission of offence punishable under Sections 468 and 471 IPC each is reduced to rigorous imprisonment for nine months four days each i.e. the period already undergone by him. However, the sentence of fine is maintained.

Therefore, the petitioner be released forthwith, if not required in any other case.

With the abovenoted modification in the sentence, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

September 28, 2017

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Whether speaking / reasoned Yes

Whether Reportable: No