

239 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.1869 of 2017 (O&M)
Date of decision : October 03, 2017

Dalbir Singh and another Petitioners

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Akashdeep Singh, Advocate for the petitioners.

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)

Both the petitioners were convicted and sentenced by the learned Judicial Magistrate 1st Class, Gurdaspur vide judgment of conviction and order of sentence dated 02.07.2014 as under:

<i>Sr. No.</i>	<i>Offence</i>	<i>Imprisonment</i>	<i>Fine</i>	<i>In default of payment of fine</i>
1	419 IPC	R.I. for 2 years	--	--
2	420 IPC	R.I. for 2 years	--	--
3	467 IPC	R.I. for 2 years	₹2,000/-	S.I. for 10 days
4	468 IPC	R.I. for 2 years	₹2,000/-	S.I. for 10 days
5	120 IPC	R.I. for 2 years	--	--

All the sentences were directed to run concurrently.

The appeal filed against the said judgment of conviction and order of sentence was dismissed by the learned Addl. Sessions Judge, Gurdaspur, vide judgment dated 05.05.2017.

The present revision petition has been pressed only on the point of quantum of sentence.

Custody certificates of the petitioners have been filed in the Court today and the same are taken on record. A perusal thereof shows that both the petitioners have undergone actual sentence of 7 months and 4 days including remission. The petitioners are not previous convict nor any other case is pending against them.

It comes out from the lower court file that in the execution of the sale deed, the petitioner had identified the sellers, who were impersonating Wadhawa Singh and Lehna Singh, who died 30-40 years ago. In this way, an active role was played by the petitioners in identifying the impostures resulting in the execution of the sale deed.

Considering the previous clean record of the petitioners, the substantive sentence of rigorous imprisonment for 2 years awarded for the commission of offences punishable under Sections 419, 420, 467, 468 and 120 IPC each is hereby reduced to rigorous imprisonment for 1-1/2 years each, whereas the sentence of fine is maintained.

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

(KULDIP SINGH)
JUDGE

October 03, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No