

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

**CRR NO. 1092-SB OF 2006
DATE OF DECISION : 19.09.2018**

Savita Rani

...Petitioner

versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present : Mr. Sushil Sheoran, Advocate for
Mr. R. A. Sheoran, Advocate,
for the petitioner.

Mr. Vijesh Sharma, DAG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

This revision petition is directed against the judgment dated 20.5.2006 passed by the Sessions Judge, Bhiwani, whereby appeal preferred by the petitioner against the judgment of conviction dated 05.05.2004 and order of sentence dated 07.05.2004 passed by Chief Judicial Magistrate, Bhiwani, was dismissed and the same was upheld. The petitioner was convicted under Sections 471/417 IPC and sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹500/- under Section 471 IPC and in default thereof, to further undergo simple imprisonment for one month; she was further sentenced to undergo rigorous imprisonment for a period of six months under Section 417 IPC.

It was the case of prosecution that on 10.2.1998, a complaint was received in the police station from the Principal Medical Officer, General Hospital, Bhiwani, regarding bogus Matriculation Certificate produced by the petitioner. It was informed that the petitioner was selected for M.P.H.W (F) training in the session September, 1997. The Matriculation Certificate under Roll No.322204 was sent to the Secretary, Haryana Education Board, Bhiwani for verification and upon inquiry it was revealed that no such Roll No was assigned to any candidate during matriculation examination in the Session September 1991 and the same was found bogus. The Director General, Health Services, Haryana, vide letter dated 3.2.1998 directed the office to take action according to Rules and reported the matter to police. Accordingly, FIR was registered against the accused.

The petitioner was charge-sheeted under Sections 419/471 IPC which was later on amended on 5.5.2004 and she was charge sheeted under Section 417 IPC, to which she pleaded not guilty and claimed trial.

In support of its case, the prosecution examined as many as five witnesses and closed her evidence.

Statement of accused under Section 313 Cr.P.C was recorded, wherein all the incriminating evidence was put to her, to which she pleaded false implication.

In her defence, the accused examined Principal, M.P.H.W. (F) as DW-1 and closed the evidence.

Learned counsel for the petitioner contends that he does not challenge the conviction of petitioner and would confine his prayer to reduction in the sentence imposed by the trial Court. He states that the petitioner was a matriculate and had a genuine Matriculation Certificate in that regard, wherein she had obtained 52% marks. The alleged bogus Certificate, which led to her conviction, was also of Matriculation but the marks of the petitioner were shown as 58%. The essential qualification for the post of M.P.H.W (F) was matriculate and therefore, the petitioner did not derive any benefit from the alleged bogus Certificate. She was 28 years old at the time of commission of offence in the year 1998. Her services were dispensed with while she was undergoing training. He also contends that she has undergone an actual sentence of about 3 months, out of total sentence of 01 year.

Learned State counsel has filed custody certificate which indicates that the petitioner has undergone an actual sentence of 02 months and 29 days out of total sentence of 01 year.

I have heard learned counsel for the parties and have gone through the case file.

After hearing learned counsel for the parties, I am of the considered view that the ends of justice would be met in case the sentence of the petitioner is reduced to the period already undergone. The alleged incident took place two decades ago.

Admittedly the petitioner is a genuine matriculate and the alleged bogus certificate sought to increase her marks by 6%. She has already been removed from the service and has undergone agony of protracted criminal proceedings. Therefore, while maintaining the conviction of petitioner, this petition is partly allowed and the sentence of the petitioner is reduced to the period already undergone by her.

(ANUPINDER SINGH GREWAL)
JUDGE

SEPTEMBER 19, 2018
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| 1. | Whether speaking/reasoned : | YES/NO |
| 2. | Whether reportable : | YES/NO |