

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1537 of 2006
Date of Decision : 20.08.2018

Karnail Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: *HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL*

Present: Mr. Nitin Verma, Advocate for
Mr. Sameer Sachdeva, Advocate for the petitioners.

Mr. Daldeep Singh Sukarchakia, DAG, Punjab.

Anupinder Singh Grewal, J.(Oral)

This petition is directed against the judgment dated 17.07.2006 passed by the Additional Sessions Judge, (Adhoc), Fast Track Court, Muktsar, whereby the judgment of conviction and order of sentence dated 09.03.2005 passed by the Sub Divisional Judicial Magistrate, Malout, was upheld. The petitioners had been convicted under Sections 420/511 and 116 of Indian Penal Code and sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹500/- each and in default thereof to further undergo rigorous imprisonment for a period of two months each for the commission of offence punishable under Sections 420/511 of Indian Penal Code and further sentenced to undergo rigorous imprisonment for a period of six months and to pay fine of ₹500/- each and in default thereof to

further undergo rigorous imprisonment for a period of one month

each for the commission of offence punishable under Section 116 of Indian Penal Code.

It was the case of the prosecution that petitioner No. 1 had made an application to the Sub Divisional Magistrate for grant of amount of ₹5100/- under '**Shagun Scheme**' for the marriage of his daughter Murti @ Manjit Kaur, which was alleged to be fixed on 28.08.1997. He had also furnished an affidavit in support of his application. However, upon an enquiry conducted in the matter, it transpired that his daughter Murti @ Manjit Kaur was already married at Village Bharu in the year 1996 and hence, FIR No. 8 dated 27.01.1999, under Sections 420, 511, 116 of Indian Penal Code was registered against petitioner No. 1 as well as petitioner No. 2, who is the son of petitioner No. 1.

Learned counsel for the petitioners contends that the petitioners are not challenging the conviction and he is confining this petition only to the sentence awarded by the Courts below. He also contends that the petitioners have undergone actual sentence of over one month and 21 days and the sentence should be reduced to the period already undergone especially when the petitioners belong to the Scheduled Caste and the amount of ₹5100/- was not disbursed to them. They have undergone agony of criminal proceedings for almost two decades. They had been convicted only for an attempt to commit cheating.

Learned State counsel has filed custody certificates of the petitioners which indicate that both the petitioners have undergone actual sentence of one month and 17 days.

I have heard learned counsel for the petitioners as well as learned State counsel.

It is manifest that the incident had taken place almost two decades ago in the year 1999. The petitioners belong to the underprivileged section of the Society and had only attempted to withdraw a sum of ₹5100/-, which was not disbursed to them. They are facing the agony of protracted criminal proceedings for almost two decades.

Therefore, while the conviction of the petitioners for offence under Sections 420/511 and 116 of Indian Penal Code is maintained, the sentence qua imprisonment of the petitioners is reduced to the period already undergone by them.

With the above modification in the sentence, the revision petition stands partly allowed.

August 20, 2018
kanchan

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No