

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

CRR No. 1881 of 2008

DATE OF DECISION :- May 10, 2018

Tara Chand

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Ankur Sharma, Legal Aid Counsel for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana

Petitioner Tara Chand was tried by Chief Judicial Magistrate, Jind for an offence under Section 409 IPC on the allegations that he while working as a cashier-cum-godown keeper in Oriental Bank of Commerce, Jind used to receive cash from the customers of the bank but did not deposit the same and on 23.11.1998, he received a sum of Rs.79,800/- from Sanjay Kumar Bansal for depositing the same in his current account and issued a receipt under his signatures but instead of depositing the amount embezzled it. His trial ended in his conviction for the said offence and he was convicted for offence under Section 409 IPC and was sentenced to undergo rigorous imprisonment for 2 years and to pay a fine of Rs.2000/- and in default of payment of fine to further undergo simple imprisonment for three months.

He had challenged the said conviction and sentence before the Court of Sessions. The appeal was marked to Additional Sessions Judge, Jind, who vide his judgment dated 10.9.2008 affirmed the judgment passed by the trial Magistrate, however, reduced the sentence to one year, as such he has approached this Court by way of filing Criminal Revision Petition, notice of

which was given to the State.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the revisionist has contended that he does not challenge the judgments passed by the Courts below on the point of conviction but wants to put forward submissions with regard to sentence part. According to him, the revisionist has since deposited an amount of Rs.80,000/- with the bank. This fact stands conformed from para no. 11 of the judgment passed by Additional Sessions Judge, Jind wherein it is mentioned that the petitioner has already deposited the embezzled amount in the bank in sundry account.

It is stated that petitioner is 69 years of age and his family is dependent upon him for financial support. He does not have any previous criminal record.

As per custody certificate filed by the State counsel, the petitioner has undergone 1 month and 15 days of sentence.

Considering the circumstances explained by counsel for the petitioner, I am of the view that ends of justice shall be adequately met, if while maintaining the conviction of the petitioner-accused his sentence is reduced to one already undergone by him in this case while maintaining the fine part. It is ordered accordingly. With such modification in the impugned judgments, the Criminal Revision Petition stands disposed of.

**(H.S. MADAAN)
JUDGE**

May 10, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No