

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1572-2017 (O&M)

Date of Decision:- 20.4.2018

Jhirmal Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Dhawaljeet, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

GURVINDER SINGH GILL J.

Petitioner Jhirmal Singh has filed this revision petition challenging judgment dated 8.3.2017 passed by the Court of Additional Sessions Judge, Gurdaspur whereby his appeal against judgment dated 11.2.2014 passed by learned JMIC, Gurdaspur has been partly accepted and while acquitting him of charges for offenses under Sections 467, 465 and 120-B IPC, his conviction qua offences under Section 420 and 471 IPC has been upheld. The sentence of two years of imprisonment and ₹ 1,000/- as fine in respect of each of the offences has also been upheld.

The allegations in nutshell are that the petitioner had availed a loan of ₹ 1,69,000/- from Union Bank of India, Branch Kalanour on the basis of forged land record. The learned counsel for the petitioner has submitted that he restricts his arguments to the quantum of sentence only and has submitted that the sentence may be reduced to one already undergone.

I have considered the aforesaid submission.

A perusal of the impugned judgment as well as the record indicates that the learned trial Court as well as the appellate Court has marshalled the evidence meticulously and there is no misreading of evidence and the evidence brought on record is sufficient to uphold the conviction of the petitioner for offences under Sections 420 and 471 IPC.

I do not find any infirmity in the findings of conviction of the petitioner and the same are hereby upheld.

As regards the sentence, a perusal of custody certificate furnished today in the Court indicates that the petitioner has already undergone actual sentence of imprisonment for 1 year, 2 months and 23 days and has earned remission of 2 months and 3 days. The incident is of the year 1996 and the FIR was lodged in the year 2004.

In view of the fact that the petitioner has been facing incarceration of trial since the last more than 14 years and has already undergone an actual sentence of about 1 year and 3 months, the sentence of imprisonment can be reduced.

Accordingly, while dismissing the revision petition, as far as the findings of conviction are concerned, the sentence of imprisonment imposed upon the petitioner is reduced from two years to one year and three months.

The revision petition stands dismissed with the aforesaid modification in sentence.

20.4.2018

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No