IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

106 CRR No.2422 of 2017 (O&M)
Date of decision:20.2.2018

Achhar Singh

... Petitioner

versus

State of UT Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.A.D.S.Sukhija, Advocate,
for the petitioner
Ms.Ashima Mor, Addl.PP, UT, Chandigarh
...

AMOL RATTAN SINGH, J. (Oral)

On the last date of hearing, when this Court was not inclined to interfere in the conviction of the petitioner on the merits of the case, Mr.Sukhija, learned counsel for the petitioner, had stated that he would confine his arguments to the question of quantum alone, the petitioner having been sentenced to 2 years rigorous imprisonment, with a fine of Rs.3,000/- also imposed upon him, after his conviction for the commission of offences punishable under Sections 420/468/471 IPC, he having been found to have forged his Matriculation Certificate, thereby showing a different date of birth so as to show a reduced age, to enable him to get a government job.

Learned counsel even on the last date of hearing had submitted that other than the fact that the petitioner is a first time offender, thereafter, in a motor accident, he has lost an eye and hence, on sympathetic grounds, the quantum of sentence may be reduced.

Ms.Ashima Mor, learned Addl.PP, UT, Chandigarh, submits

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that the nature of the offence being such, the punishment awarded to the petitioner is already not excessive and therefore he does not deserve the concession of reduction of the sentence.

Having considered the aforesaid arguments, keeping in view the fact that the petitioner is a first time offender even as per the custody certificate filed in Court today by the learned Addl.PP, and he has undergone 9 months and 1 day of actual sentence out of the 2 year sentence imposed upon him, the sentence imposed by the learned trial Court, upheld by the learned appellate Court, is reduced to a period of 1 years' RI instead of 2 years, with the fine of Rs.3,000/- (Rs.1,000/- each for the commission of offences punishable under Sections 420, 468 and 471 IPC respectively), imposed upon the petitioner kept intact, with a further direction that in case the fine is not paid, the petitioner shall undergo 15 days' imprisonment in default thereof.

Consequently, upon his completing 1 year of rigorous imprisonment and upon payment of the fine as aforesaid, he would be immediately released from custody.

The petition is allowed to the aforesaid extent.

20.2.2018 **(AMOL RATTAN SINGH)**
pk **JUDGE**

Whether speaking/reasoned Yes/No
Whether Reportable Yes/No

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