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

**CRR No.3315 of 2017 (O&M)
Date of Decision: 28.02.2018**

Ranjit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Sarbjit Singh, Advocate,
for the petitioner.

Mr. Luvinder Sofat, A.A.G., Punjab.

SUDIP AHLUWALIA, J. (ORAL)

In this revisional petition, the petitioner seeks to quash the judgments passed by the Ld. Chief Judicial Magistrate, Amritsar, dated 13.05.2016, and thereafter by the Ld. Additional Sessions Judge, Amritsar, dated 03.08.2017. The petitioner was convicted of the offences under Sections 419 and 420 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for two years against each of the offences apart from a fine of ₹5,000/- (Rupees Five Thousand Only) in relation to the offence under Section 420 of the Indian Penal Code, in default of which he was

required to undergo further detention for thirty days. The Trial Court's judgment was upheld by the Ld. Additional Sessions Judge, Amritsar, and the petitioner's appeal was dismissed.

2. The substance of the offences committed by the petitioner can be summarised that he had originally gone to London on Tourist Visa from New Delhi in May, 2001, on his own Passport No.A7043143 issued on 01.01.1999, which was valid up till 31.12.2008. He, however, lost his Passport while being abroad and continued to stay there illegally till he decided to return to India and obtained an E.C. issued from the Indian High Commission in London in the name of his cousin Jagjit Singh, by giving false statement and furnishing false Certificates, and, therefore, returned to India under the false identity, but was apprehended at the Air Port, where his true identity was ascertained and he was thereafter arrested and underwent trial.

3. The real identity of the petitioner as Ranjit Singh is beyond any dispute. So the offences committed by him are certainly made out considering that he had traveled under the false name of Jagjit Singh and falsely obtained E.C.

4. This Court, therefore, sees no reason to interfere with the findings of the Ld. Courts below holding him guilty of the offences under Sections 419 and 420 of the Indian Penal Code.

5. Faced with this, Ld. Counsel for the petitioner seeks indulgence by way of reduction of sentence awarded to the petitioner by contending that the petitioner after having lost his original Passport, and facing the penal prospects of having overstayed, had decided to return to his

Motherland, but could not do so in the absence of his genuine identity papers and was, therefore, constrained to resort to the means so adopted by him, and in any event no wrongful gain or wrongful loss whether financially or otherwise had been caused to any person or Authority by way of having facilitated the return to his Country of birth.

6. There is some merit in this submission.

7. From the available Custody Certificate of the petitioner, it is seen that he has already undergone actual imprisonment of six months and twenty seven days, which after including the remission period comes to seven months and seventeen days.

8. Prior to that, the petitioner had undergone the travails and protracted trial followed by appeal proceedings for six years, and, therefore, in the overall circumstances, would appear to be entitled to the remission of his sentence at this stage considering the long detention already undergone.

9. As such, the present revisional petition is disposed off with the direction that while conviction of the petitioner is sustained, but the sentence awarded to him is reduced to period actually undergone by him.

28.02.2018

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No