

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 2276 of 2018 (O&M)  
Date of Decision: 30.08.2018

Sarpanch Munhi Ram ...Petitioner

VERSUS

State of Haryana ...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. J.S. Jangu, Advocate  
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

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SURINDER GUPTA, J.

Heard.

This is revision against judgments of Courts below whereby petitioner-Munshi Ram was convicted and sentenced as follows:-

| <i>Offence<br/>under Section</i> | <i>Punishment</i>                                                                                                                                                   |
|----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 409 IPC                          | To undergo rigorous imprisonment for one year and to pay fine of ₹5000/- and in default of payment of fine, to further undergo rigorous imprisonment for one month. |

2. Case of prosecution, in brief, is that on 06.01.2009, petitioner had received an amount of ₹20,000/- under a settlement in case of death of bullock of *gram panchayat* but did not deposit the said amount in account of *panchayat* and misappropriated the same.

3. Learned counsel for the petitioner has not challenged the conviction of petitioner, as recorded by the trial Court and upheld by the Appellate Court, on merits and has confined his submissions only for taking a lenient view regarding the quantum of sentence on the grounds as

follows:-

- (i) The petitioner is an old man of the age of more than 75 years;
- (ii) he has deposited the amount of ₹20,000/- in the account of *panchayat*;
- (iii) he is not a previous convict;
- (iv) he has already undergone actual sentence of 01 month and 25 days and sentence of 02 months and 10 days including remissions.

4. Learned State counsel while producing custody certificate dated 29.08.2018 has stated that on the basis of entry in the custody certificate, petitioner is not a previous convict and is an old man of more than 70 years of age.

5. The allegation against the petitioner is of embezzlement of ₹20,000/- of *gram panchayat*. This amount was paid to him being *sarpanch* after the settlement in a case filed by *gram panchayat* but was not deposited in its account. Admittedly, this amount has now been paid by the petitioner.

6. Keeping in view the fact that petitioner is an old man of 75 years of age (he was 70 years of age at the time of registration of FIR) and that he is not a previous convict and has also paid the embezzled amount, I take a lenient view regarding the quantum of sentence awarded to him and the same is reduced from rigorous imprisonment for one year to rigorous imprisonment for six months. The sentence of fine as awarded to petitioner shall remain intact.

6. Instant revision is disposed of in above terms.

August 30, 2018  
jk

( SURINDER GUPTA )  
JUDGE

***Whether speaking/reasoned:***

***Yes/No***

***Whether Reportable:***

***Yes/No***