

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

211

CRR No.1502 of 2008 (O&M)

Date of decision : 23.07.2019

Ashok Kumar

... Petitioner

Versus

The State of Punjab

.. Respondent

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Rajat Dogra, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the orders of the trial Court and the Appellate Court, whereby he has been convicted under Sections 409, 467 & 471 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for eighteen months.

Learned counsel for the petitioner contends that the allegations against the petitioner are that while working as Junior Assistant in the office of the Chief Agriculture Officer, Ferozepur, he had embezzled a sum of ₹ 2,800/- by making bogus entries with regard to the recipients. The amount was never sent to the recipient and had been misappropriated by the petitioner. The incident is of the year 1993 and the petitioner was dismissed from service in the instant case. The petitioner is now more than 65 years of age and is not involved in any other case. Learned counsel also contends that the petitioner is not challenging his conviction and would confine his prayer to the reduction in the quantum of sentence to the period already undergone. The petitioner has already undergone an actual sentence of one month eleven days out of total sentence of eighteen months.

Learned State counsel has filed custody certificate dated 22.07.2019 of the petitioner in Court which indicates that the petitioner has already undergone an actual sentence of one month eleven days and is not involved in any other case.

Heard.

The petitioner has alleged to have misappropriated a sum of ₹ 2,800/- and the offence took place on 24.12.1994. He is, thus, facing criminal proceedings for almost 25 years and has lost his job on account of conviction in the instant case. The petitioner is now about 67 years of age and has already undergone an actual sentence of one month eleven days out of total sentence of eighteen months and is not involved in any other case. It would be in the interest of justice if the sentence of the petitioner is reduced to the period already undergone. While maintaining his conviction under Sections 409, 467 & 471 of IPC, the sentence of the petitioner is reduced to the period already undergone.

With the above modification, the petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

July 23, 2019
sonia gugnani

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