

In the High Court of Punjab and Haryana at Chandigarh

203

CRR-1848-2008 (O & M)

Date of Decision: September 17, 2019

RAMANAND

.....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Ms. Savreen Gogia, Advocate for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the judgments of the Courts below whereby he has been convicted under Section 411 IPC and sentenced to undergo imprisonment for a period of one year.

Learned counsel for the petitioner contends that the allegations against the petitioner are that petitioner was found in possession of 16 FDRs. He contends that the prosecution through the evidence led by it could not establish that the locks of the almirah were broken or how the FDRs which were alleged to be in the custody of the Court Nazir, had disappeared. The recovery from the petitioner is also doubtful because there is no independent witness to the recovery. He also contends that there is no allegation whatsoever that the petitioner had tried to encash the FDRs in any manner. Even if the FDRs were being misused, it was open to the affected persons to seek duplicate FDRs from the bank. He, however, contends that he is not challenging the

conviction of the petitioner and would confine his prayer in this petition to reduction in the quantum of sentence to the period already undergone. The petitioner is 70 years of age and is not involved in any other case. He is facing criminal proceedings for over two decades.

Learned State counsel has filed the custody certificate which is taken on record. It indicates that the petitioner has undergone total sentence of 04 months and 29 days out of the total sentence of one year.

Heard.

The petitioner had been convicted under Section 411 IPC and sentenced to undergo imprisonment for a period of one year by the trial Court. The petitioner is facing the agony of protracted criminal proceedings for two decades. He is 70 years of age and is not involved in any other case. The petitioner has undergone sentence of imprisonment of 4 months and 29 days out of the total sentence of one year.

It would, therefore, be in the interest of justice, if the sentence of the petitioner is reduced to the period already undergone by him.

Consequently, while maintaining the conviction, the sentence of the petitioner is reduced to the period already undergone by him.

With this modification, the petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

September 17, 2019

A.Kaundal

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