

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-2609-2009

Date of Decision: 11.07.2019

Rajinder Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. P.S. Brar, Advocate, for the petitioner.

Mr. A.S.Sullar, DAG, Punjab.

Harnaresh Singh Gill, J.

The petitioner was tried for committing the offence punishable under Sections 419/170/171/506 IPC. Vide judgment and order dated 7.8.2008, learned Additional Chief Judicial Magistrate, Faridkot, while acquitting the petitioner-accused of charge under Sections 419 and 171 IPC held him guilty under Sections 170 and 506 IPC and sentenced him to undergo RI for one year and to pay a fine of Rs.500/- and, in default of payment of fine, to further undergo imprisonment for 15 days each under Sections 107 and 506 IPC.

Aggrieved there-against, the petitioner filed an appeal before the learned Sessions Judge, Faridkot. Vide judgment dated 28.8.2009, the learned Sessions Judge, Faridkot, dismissed the appeal filed by the petitioner, thereby affirming the judgment and order passed by the learned trial Magistrate.

Still aggrieved, the petitioner has preferred the present revision petition.

As would emerge from the facts of the case, on 15.3.2005, the petitioner pretended to be an officer of the Crime Branch, Delhi and at 2.50 p.m. on the said date itself, the accused had visited Amaravati High School, Kotkapura. He told the school authorities that he had been sent by the Deputy Commissioner, Faridkot, for the purposes of checking the school record. Accordingly, school record i.e. attendance register of teachers, salary register, agreement forms, trust membership record and sixteen members school committee record etc., was shown to the accused-petitioner. In the meantime, accused-petitioner started threatening Shiv Shankar Mittal, Manager of the School saying that if the entire school record was not shown to him, they would have to face dire consequences. The accused-petitioner had produced several identity cards. In this manner, it was alleged that the accused-petitioner by pretending himself to be an Officer of the Crime Branch, Delhi, had cheated the Shri Krishan Sharma, Principal of the aforesaid School.

The learned trial Court found that on the basis of the evidence led by the prosecution as also by the accused, it stood proved on record the accused pretended himself as an Officer of the Crime Branch, New Delhi and that under such assumed character, he had checked the official record of Amaravati High School, Kotkapura and further threatened the Principal and Manager of the School with dire consequences. It was further found that though the accused had stated that he

had gone to the School, but in connection with an enquiry of a complaint filed by one Vipal Kaushal. However, he failed to establish on record that he had any authority to visit the school and check the official records of the school.

At the very outset, learned counsel appearing for the petitioner, states that without disputing the findings of guilt recorded against the petitioner-accused, he confines his prayer to the quantum of sentence only. Learned counsel contends that in the instant case the alleged occurrence took place on 15.3.2005 and the FIR was registered on the same very date. The petitioner has been facing the agony of protracted trial for the last 14 years. Still further, out of the total sentence of one year, the petitioner has already undergone 4 months and 23 days of actual sentence. It is, thus, submitted that taking into consideration that the substantial period of sentence has already been undergone by the accused-petitioner, the sentence imposed upon him may reduced to the period already undergone by the petitioner.

The findings recorded by the learned Courts below are based on cogent and convincing evidence and on the basis of appreciation of evidence. Therefore, in exercise of the revisional jurisdiction, there is no scope for interference with the findings recorded by the Courts below. Hence, the conviction of the petitioner as recorded by the trial court and upheld by the appellate Court, is maintained.

Coming to the quantum of sentence, as stated above, the petitioner has already undergone 04 months 23 days of

actual sentence out of the total sentence of one year. The petitioner has been facing the protracted trial for last 14 years. Thus, in my opinion, no useful purpose would be served by sending the petitioner behind the bars once again to undergo the remaining sentence.

In view of the above, while maintaining the conviction of the petitioner under Sections 170 and 506 IPC, the sentence imposed upon him is reduced to the period already undergone by him.

Disposed of in the above terms.

(HARNARESH SINGH GILL)
JUDGE

11.07.2019
ds

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No