

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

(I)

CRR-1956-2018 (O&M)
Date of Decision:-9.1.2019

Virender Kumar

... Petitioner

Versus

State of Haryana

... Respondent

(II)

CRR-2322-2018 (O&M)

Sudesh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Deepak Kundu, Advocate,
for the petitioner in CRR-1956-2018.

Mr. Vikas Bhardwaj, Advocate,
for the petitioner in CRR-2322-2018.

Mr. Brijesh Sharma, AAG, Haryana.

GURVINDER SINGH GILL, J.(Oral)

1. On the last date of hearing, the State was directed to file verification report as regards the submissions made by the learned counsel for the petitioner Virender that at the time of occurrence, the petitioner was addicted to drugs and also remained admitted in Su-Prabhat Drug D-Addiction & Rehabilitation Center, Vilage Bursham, Panipat but no verification report has been submitted in respect of the same.

2. This order shall dispose of aforesaid two revision petitions filed on behalf of the petitioners, Virender Kumar and Sudesh, whereby the petitioners have challenged the judgment dated 23.5.2018 passed by learned Additional Sessions Judge, Panipat dismissing the appeal filed against judgment dated 17.7.2015 passed by learned Judicial Magistrate 1st Class, Panipat holding the petitioners guilty of having committed following offences for which they have been sentenced as under:-

Section	Sentence	Fine	Sentence, in default of payment of fine
Section 419 IPC	Rigorous Imprisonment for a period of one year each	—	—
Section 420 IPC	Rigorous Imprisonment for a period of two year each	₹1,000/- each	Simple Imprisonment for a period of two months each.
Section 467 IPC	Rigorous Imprisonment for a period of two year each	₹2,000/- each	Simple Imprisonment for a period of two months each.
Section 468 IPC	Rigorous Imprisonment for a period of two year each	₹2,000/- each	Simple Imprisonment for a period of two months each.
Section 471 IPC	Rigorous Imprisonment for a period of two year each	₹2,000/- each	Simple Imprisonment for a period of two months each.

3. I have heard the learned counsel for the petitioners and also the learned counsel representing the State.
4. The allegations, in nutshell, are that the complainant Kusum had purchased land measuring 10 Kanals and another piece of land measuring 28 Kanals 9 Marlas vide two separate sale-deeds dated 26.2.2007. Subsequently one

Jagbir Singh produced a lady (Sudesh) who impersonated as Kusum and executed sale-deeds in favour of Jagbir on 18.3.2009 in respect of the said land. Said Jagbir Singh sold the said land to Rishipal and Rishipal further sold 10 kanals of land to Ajay Dhawan and Sanjay Dhawan. It is further the case of prosecution that Rishipal sold back 28 Kanals 9 Marlas to Jagbir Singh, who again sold the same to Ajay Dhawan and Sanjay Dhawan.

5. Having heard the learned counsel for the petitioners and also having perused the impugned judgment, I do not find any infirmity as regards the findings of conviction of the petitioners and the findings, as such, as recorded by the learned lower Courts are hereby affirmed.
6. As regards the quantum of sentence, the learned State counsel has today filed custody certificates of the petitioners indicating that while petitioner Sudesh has undergone total sentence of imprisonment to the extent of 1 year, 1 month and 14 days including remission to the tune of 27 days, the petitioner Virender has undergone total sentence of imprisonment to the tune of 1 year, 3 months and 9 days including remission to the tune of 14 days.
7. The FIR was lodged wayback in the year 2009 and, as such, the petitioners have already suffered incarceration of trial for almost a decade. Bearing in mind the aforesaid incarceration and also the extent of sentence of imprisonment already undergone by the petitioners and also while noticing that the petitioners are not stated to be previous convicts, the sentence of imprisonment as imposed upon the petitioners is reduced from 2 years to the one already undergone. The sentence of fine shall remain unaltered. The

revision petitions stand dismissed except for the modification in sentence of imprisonment as indicated above.

9.1.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No