

CRR No.2882 of 2018 (O&M)
CRR No.2883 of 2018 (O&M)

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

Sr. No.234

Criminal Revision No.2882 of 2018 (O&M)
DECIDED ON: February 05, 2019

INDERJIT SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

Criminal Revision No.2883 of 2018 (O&M)

GULZAR SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Naveen Sharma, Advocate,
for the petitioner (in CRR-2882-2018).

Mr. Ashok Paul Batra, Advocate,
for the petitioner (in CRR-2883-2018)

Mr. Luvinder Sofat, AAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

This order shall decide the aforementioned two revision
petitions as the same have arisen out of the same FIR/judgment of

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conviction and order of sentence passed by learned Chief Judicial Magistrate, Bathinda.

FIR No.824, dated 14.11.2009, under Sections 419, 420, 467, 468, 471, 120-B IPC, came to be registered at Police Station Kotwali, District Bathinda, Punjab, against the petitioners and others. On presentation of challan and completion of trial, vide judgment dated 16.12.2016 passed by learned Chief Judicial Magistrate, Bathinda, petitioners were convicted under Sections 120-B, 420, 467, 468, 471 IPC and sentenced as under:-

U/s	RI	Fine (₹)	In default
120-B IPC	02 years each	1,000/- each	30 days (S.I.)
420 IPC	03 years each	2,000/- each	30 days (S.I.)
467 IPC	03 years each	1,000/- each	30 days (S.I.)
468 IPC	03 years each	1,000/- each	30 days (S.I.)
471 IPC	01 year each	--	--

2. Sentences were to run concurrently.
3. Aggrieved against the impugned judgment of conviction and order of sentence dated 16.12.2016, the petitioners preferred separate appeals and vide common judgment dated 07.08.2018 passed by learned Additional Sessions Judge, Bathinda, the same were dismissed and petitioners - Gulzar Singh and Inderjit Singh were ordered to be taken into custody and sent to jail for undergoing the sentence. Hence, the aforementioned revision petitions before this Court.
4. Notice of motion as regard as quantum of sentence was issued inasmuch as learned counsel for the petitioners prayed for lenient view on the ground that the petitioners are not habitual offenders.
5. Today, learned counsel for the petitioners have submitted that they do not contest the revisions petitions on merits and prayed that keeping in view the nature of the offence, sentence of the petitioners may be reduced

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suitably.

6. FIR in this case was registered upon a letter written by Judicial Magistrate 1st Class, Bathinda, for registration of the case on the accusation that in a complaint case under Section 138 of Negotiable Instruments Act, 1881 for dishonouring of cheque in the sum of Rs.8000/-, which was pending against petitioner-Gulzar Singh, he was ordered to be admitted on bail and thereupon, he furnished bail and surety bonds, whereunder, cheating was alleged to have been committed with the Court inasmuch as petitioner Inderjit Singh and one Manjit Singh fraudulently identified Tara Singh to be Titar Singh, although Tara Singh had impersonated himself as Titar Singh.

7. Custody certificates of the petitioners prepared by Sh. Sukhwinder Singh, PPS, Superintendent, Central Jail, Bathinda, have been filed by learned State counsel today in Court, which are taken on record. According to the custody certificates, petitioner-Inderjit Singh has undergone actual sentence of 09 months and 06 days and petitioner-Gulzar Singh has undergone actual sentence of 08 months and 28 days including remission. Record reveals that FIR was registered on 14.11.2009 and judgment of conviction and sentence of the petitioners is of 16.12.2016. Their appeal was dismissed on 07.08.2018 and since then they have been undergoing their sentence. Thus, the petitioners have faced travails of trial for about seven years besides undergoing sentence of more than 09 months.

8. Keeping in view the fact that one of the objectives of the criminal jurisprudence, is to reform a convict and the facts and circumstances of the case and the fact that the petitioners are not habitual offenders, I am of the view that petitioners have been adequately punished.

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9. Accordingly, the impugned judgment of conviction dated 16.12.2016, passed by learned Chief Judicial Magistrate, Bathinda and as upheld by learned Additional Sessions Judge, Bathinda, vide impugned judgment dated 07.08.2018, is maintained. So far as the order of sentence is concerned, sentence of the petitioners is reduced and they are sentenced to the period already undergone by them. The petitioners are ordered to be set at liberty in case they are not required in any other case.

10. With the above modification in the impugned order of sentence, the aforementioned revision petitions are dismissed.

11. A copy of this order be sent to the Court/Successor Court of the Convicting Magistrate concerned, for compliance.

12. A copy of this order be placed on the file of another connected case.

February 05, 2019

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No