

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

115

CRR-2691 of 2019 (O&M)
Date of decision:20.11.2019

Satya Narain

... Petitioner

versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Deepender Singh, Advocate,
for the petitioner
Mr.Surender Singh, AAG, Haryana
...

AMOL RATTAN SINGH, J. (Oral)

The petitioner having been convicted for the commission of offences punishable under Sections 420, 467, 468 and 471 of the IPC, and having been sentenced to one years' rigorous imprisonment for the commission of each offence, with all sentences to run concurrently, and with a fine of Rs.2,000/- also imposed upon him in respect of each offence, by the learned trial Court, with that conviction and the sentences having been upheld by the learned appellate Court, this revision has been filed.

At the time when it had come up for hearing initially, learned counsel for the petitioner had restricted his prayer to only the quantum of sentence imposed upon the petitioner, on the ground that he was a first time offender and that since he had already undergone six months of actual sentence at that point, leniency may be shown.

Notice of motion having been issued on that question alone,

Mr.Surender Singh, learned AAG, Haryana, today submits that the learned

Courts below already having taken a lenient view and having sentenced the petitioner to undergo only one years' rigorous imprisonment, though one of the offences committed by him also can entail punishment of a life imprisonment, no further leniency needs to be shown to him.

However, learned counsel for the petitioner points to the medical condition of the petitioner, firstly, from the discharge summary annexed as Annexure P-4 with the petition, shown to be dated 5.3.2019 (issued by one Manavta Hospitals Pvt. Ltd., Faridabad), wherein the petitioner was shown to be a patient of CVA with HTN with DM-II.

Upon query, learned counsel submits that CVA is an abbreviated form of Cerebro Vascular Accident, with other the two acronyms standing for Hypertension and Diabetes Mellitus, (with him obviously having been prescribed a large number of medicines, as shown in the 'discharge summary')..

He thereafter points to the order of the learned appellate Court, dated 10.9.2019 (Annexure P-5), wherein the petitioner was allowed to take his medicines and a walker to prison, the contention being that he could not walk on his own.

Having considered the arguments, the offence for which the petitioner has been convicted, is one of having attempted to stand as a surety for an accused by providing a forged document on a different name, which fraud and forgery were however discovered before he was accepted as such surety.

Consequently, the FIR came to be registered against him, leading to eventually his conviction for the aforesaid offences.

Thus, though otherwise I agree with what learned State counsel has submitted, to the effect that the petitioner has already been shown leniency, however, simply keeping in view the fact that he is shown to be 58 years old in the memo of parties (and with learned counsel submitting that he is actually 60 years old), and learned State counsel not having been able to refute the fact that his medical condition is as it is, he also being a first time offender, the petition is allowed to the extent that while maintaining the conviction in respect of all offences that he was found guilty of having committed by the learned Courts below, the sentence of imprisonment imposed upon the petitioner is reduced to seven months for each of the offences that he has been convicted for, with all sentences to run concurrently. However, the fine imposed in respect of each offence, i.e. Rs.2,000/-, each, is maintained.

Consequently, with that fine deposited, the petitioner would be released from custody upon him completing seven months of custody.

Necessary warrants/release order be issued accordingly.

20.11.2019
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No