

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.287

IOIN-CRR-1461-2015 (O&M)

Date of decision : 25.3.2019

Kuldeep Singh and others

..... Petitioners

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Abhaysher Singh, Advocate for
Mr. J.S. Bedi, Sr. Advocate, for the petitioners.

Mr. Luvinder Sofat, AAG, Punjab

Mr. Sumeet Singh Sohal, Advocate,
for respondent No.2/complainant-PUNSUP.

SUDHIR MITTAL, J. (Oral)

On the basis of letter dated 14.6.2004, written by the District Manager, Punsup, Sri Muktsar Sahib, FIR No.34 dated 26.2.2005, was registered at Police Station Kotbhai, under Sections 420, 467, 468 and 406 IPC, against the accused persons including one, Chetan Kaur, wife of Gurdial Singh, who has since passed away.

According to the contents of the FIR, an agreement was entered into between Punsup and M/s Preet Gram Udyog Samiti, Butter Sharih, in the year 2001-02. The said Samiti was a firm of which the accused were partners. Under the agreement, Punsup supplied paddy to the firm under receipt. As per Government instructions, 67% of the weight of the paddy supplied was to be given back to Punsup upto to 30.6.2002, which date was extended upto 29.9.2002. However, the firm supplied less rice and caused a loss of Rs.41,90,645/-.

Vide judgment dated 26.3.2014 and order of sentence of even date passed by SDJM, Gidderbaha, the accused-appellants were convicted under Section 409 IPC and sentenced to undergo RI for a period of 03 years

and to pay fine of Rs.5,000/-, in default of payment of fine, to further undergo SI for a period of 07 days. Their appeal was dismissed vide judgment dated 16.4.2015, passed by ASJ, Sri Muktsar Sahib, but sentence was reduced to RI for a period of 02 years. Hence, the present revision petition.

Vide order dated 6.10.2015, the revision petition was admitted and it was directed that sentence of the petitioners shall remain suspended without prejudice to the rights of the complainant to recover the amount due to it.

Vide order dated 30.5.2018, an application moved on behalf of the petitioners for placing on record one time settlement dated 21.12.2017, as well as certificate dated 17.1.2018 (P8), issued by the Punsup, was allowed. The complainant-Punsup, was also impleaded as party respondent.

A perusal of one time settlement dated 21.12.2017, shows that the petitioners were granted an opportunity to pay the amount mentioned therein alongwith 10% interest. The said amount stands paid because certificate dated 17.1.2018, certifies so.

Learned counsel for the petitioners submits that since, the amount due towards the Punsup stands paid, sentence may be further reduced to the period already undergone.

Learned State counsel as well as counsel appearing for respondent No.2, do not deny the fact that outstanding amount stands paid.

Custody certificates dated 23.3.2019, prepared by Sh. Lalit Kumar Kohli, PPS, Deputy Superintendent, Central Prison, Faridkot, have been filed by the learned State counsel in Court today and the same are taken

on record. According to these certificates, sentence undergone by the petitioners is as follows:-

Name of the petitioners	Years	Months	Days
Kuldeep Singh	--	--	24
Jasmail Singh	--	--	24
Surinder Kaur	--	01	02
Mukhtiar Kaur	--	01	02

There is no other criminal cases pending or decided against any of the petitioners.

In view of the fact that the mis-appropriated amount stands paid to respondent No.2-complainant and the fact that one of the cardinal principles of criminal jurisprudence is to reform the convicts, the ends of justice would be served, in case sentence of the petitioners is reduced to the period already undergone. It may also be noted the aforementioned FIR is of the year 2005 and that 14 years have elapsed since the date of registration thereof. In between, the petitioners have undergone a long period as under trial as convicts and they have been adequately punished for the crime committed by them.

The revision petition is accordingly, dismissed and the conviction of the petitioners is maintained, however, sentence is further reduced to the period already undergone. The trial Court concerned be informed accordingly.

(SUDHIR MITTAL)
JUDGE

25.3.2019
Ramandeep Singh
Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No