

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRR No. 3116 of 2018 (O&M)
Date of decision: 26.03.2019

Siri Krishan ...Petitioner

Versus

Mahinder Singh ...Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. S.K.Rana, Advocate
for the petitioner.

Mr. G.S.Sandhu, Advocate
for respondent No. 1.

Mr. Deepak Aggarwal, DAG, Haryana.

SUDHIR MITTAL, J. (Oral)

A Criminal Complaint, under Sections 406, 420, 467, 468, 471 and 409 of the IPC was filed by the respondents against the petitioner before the trial Court on 19.04.2010 in which he was summoned and tried by the learned JMJC, Karnal and ultimately vide impugned judgment of conviction dated 06.11.2015 and order of sentence dated 07.11.2015, he was convicted under Sections 420, 467, 468, 471 and 403 of the IPC and was sentenced as under:-

Section(s) of I.P.C	SI	Fine	I/D of payment of fine
420	Three years	Rs. 500/-	Further undergo SI for three months
467	Three years	Rs. 500/-	Further undergo SI for three months
468	Three years	Rs. 500/-	Further undergo SI for three months
471	Three years	Rs. 500/-	Further undergo SI for three months
403	Two years	--	--

2. The sentences were to run concurrently.
3. Aggrieved against the judgment of conviction and order of sentence, the petitioner preferred an appeal and vide impugned judgment dated 23.08.2018 passed by the Addl. Sessions Judge, Karnal, the same was partly allowed inasmuch as conviction and sentence of the petitioner under Section 420 IPC was upheld and that of under Sections 403, 467, 468 and 471 IPC was set aside. Hence, the instant revision petition before this Court.
4. Notice of motion was issued as learned counsel for the petitioner prayed for leniency on the ground that the petitioner had already deposited the amount allegedly illegally drawn by him and prayed for reduction of sentence to the period undergone.
5. Custody certificate dated 10.03.2019, prepared by Sh. Sanjay Bangar, Deputy Superintendent, District Prison, Karnal, has been filed by the learned State counsel in Court today and the same is taken on record. According to this certificate, the petitioner has undergone actual custody of 07 months and 04 days and that there is no other criminal case pending or decided against him.
6. As is evident from the record, the accusation against the petitioner is that he illegally drew old age pension on the strength of forged documents. Learned counsel for the petitioner submits that the money illegally withdrawn by the petitioner, has already been deposited by him and that nothing remains due towards respondent or the Government of Haryana. He further relies upon the Notification of the Government of Haryana wherein it is mentioned that in case old age pension fund, is wrongly drawn, the same can be refunded and offence, if any, can be

compounded. Learned counsel for respondent No. 1 and learned State counsel do not dispute the submissions of learned counsel for the petitioner.

7. A perusal of record shows that it was a private complaint filed by respondent against the petitioner on 19.04.2010 and after summoning and trial of the petitioner, he was convicted and sentenced on 06.11.2015/07.11.2015. After the decision of his appeal on 23.08.2018, he was ordered to be taken into the custody and sent to jail for undergoing his sentence under Section 420 IPC and since then he has been undergoing his sentence. Thus, the petitioner has faced the travails of criminal proceedings for more than eight years besides, undergoing sentence of seven months and four days

8. Keeping in view above facts and circumstances of the case and the fact that the petitioner has already deposited the amount allegedly drawn by him and also the fact that one of the objectives of the criminal jurisprudence is to reform a convict, I am of the view that the petitioner has been adequately punished.

9. Accordingly, the impugned judgment of conviction dated 06.11.2015 as regards offence under Section 420 IPC, passed by the JMJC, Karnal and as upheld by the Addl. Sessions Judge, Karnal vide impugned judgment dated 23.08.2018, is maintained. So far as order of sentence is concerned, the sentence of the petitioner under Section 420 IPC is reduced and he is sentenced to the period already undergone by him. He is ordered to be set at liberty, in case he is not required in any other case.

10. With the above modification in the order of sentence, instant revision petition is hereby dismissed.

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

March 26, 2019

Shabha

Whether speaking/reasoned

Whether reportable

(SUDHIR MITTAL)
JUDGE

Yes/No

Yes/No