

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.2592 of 2018

DATE OF DECISION: JANUARY 7, 2020

VIRENDER KUMAR VERMA ...PETITIONER

VERSUS

U.T. CHANDIGARH ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. J.S. WARRING, ADVOCATE
FOR MR. KARAMJEET SINGH, ADVOCATE
FOR THE PETITIONER.

MR. ASHIMA MOR, APP, U.T., CHANDIGARH.

MANOJ BAJAJ, J.(ORAL)

The petitioner has preferred the revision petition challenging the Appellate Court judgment dated 5.4.2018, passed by the learned Addl. Sessions Judge, Chandigarh, whereby the judgment of conviction and order of sentence dated 17.5.2016, passed by the Judicial Magistrate 1st Class, Chandigarh in case FIR No.186 dated 14.6.2011, under Sections 420, 464, 465, 467, 468, 471, 474, 120-B IPC, Police Station Sector 17, Chandigarh, against the petitioner was upheld.

The petitioner was convicted and sentenced as under:-

Conviction Under Section	Sentence
465 IPC	To undergo rigorous imprisonment for 2 years alongwith fine of ₹2500/-.
467 IPC	To undergo rigorous imprisonment for 3 years alongwith fine of ₹5000/-.
474 IPC	To undergo rigorous imprisonment for 3 years alongwith fine of ₹2500/-.

All the sentences were ordered to run concurrently.

The facts leading to the revision petition are noticed below.

On 14.6.2011, when SI Sohan Lal alongwith other police officials was on patrolling duty opposite to the then District Courts, Sector 17, Chandigarh, then at about 4.40 p.m., he received a secret information that a racket involved in preparation of fake Government documents was being run by Virender Kumar (petitioner). It was further revealed that he used those documents in furnishing bail bonds of accused lodged in jails, who was present in front of M.C. Office, Sector 17, Chandigarh and if a decoy customer approaches him, he would charge ₹2000/- for preparing the Government identity card. Finding the information reliable, a trap was laid to nab the accused. A public witness, namely, Samarpal was joined and was sent as decoy customer and HC Ramesh Kumar was made a shadow witness. At about 5.20 p.m. a deal was struck between Samarpal and the accused and the accused took ₹1000/- as advance and called the accused to come after one hour. At about 6.20 p.m., when the accused met Samarpal and HC Ramesh Kumar and took the final payment and handed over the said Government Identity Card to Samarpal, he was caught red handed with the currency notes. Few more documents relating to Government offices alongwith two seals were also recovered from his possession. Ruqa was sent to the police station, whereupon the FIR was registered.

After completion of investigation and all the formalities, the accused was charge-sheeted by the trial Court for the offence punishable under Section 464, 465, 467, 474, 120-B IPC. The accused pleaded not

guilty and claimed trial.

To prove its case, the prosecution examined as many as 9 witnesses and thereafter, statement of accused was also recorded under Section 313 Cr.P.C. wherein all the incriminating material was put to him, but he denied the same and pleaded innocence and stated that he was falsely implicated. No evidence was led by him in his defence.

The trial Court after relying upon the testimonies of PW2 SI Sohan Lal, PW5 Ramesh Kumar, Recovery Witness and PW6 Samarpal Singh, decoy customer and the report of the CFSL, convicted and sentenced the accused as noticed above.

Aggrieved against the judgement dated 17.5.2016 passed by the trial Court, an appeal was carried by the convict before the Addl. Sessions Judge, Chandigarh who affirmed the trial Court verdict and dismissed the appeal on 5.4.2018.

Hence, the present revision petition.

Learned counsel for the petitioner submits that he does not press his challenge to the conviction part in the impugned judgement and confines his prayer with regard to modification in the sentence part awarded to the petitioner. He submits that the petitioner is more than 62 years of age and is not a previous convict, who has undergone approximately 2 years as on today. Learned counsel submits that keeping in view the above, the sentence awarded to the petitioner may be reduced to the one already undergone by him.

Learned counsel for the U.T., Chandigarh has opposed the

prayer made by learned counsel for the petitioner on the ground that the petitioner was caught red handed while issuing fake government identity cards for the purpose of furnishing bail bonds and therefore, he deserves no leniency.

Heard learned counsel for the petitioner as well learned counsel for the U.T. Chandigarh. The custody certificate of the petitioner dated 14.1.2019 reveals that the petitioner is about to complete sentence of 2 years out of 3 years awarded, as on today, and is neither involved nor convicted in any other case. The occurrence in question took place in the year 2011. The petitioner is stated to be more than 62 years of age. Considering the above, this Court is of the opinion that ends of justice would be met if the sentence of the petitioner is reduced to the already undergone by him.

Resultantly, the judgment of conviction dated 17.5.2016 passed by the trial Court in case FIR No.186 dated 14.6.2011 under Sections 420, 464, 465, 467, 468, 471, 474 and 120-B IPC registered at Police Station Sector-17, Chandigarh and upheld by the Appellate Court in CRA-332-2016 vide order dated 05.04.2018, is affirmed. However, the sentence awarded by the trial Court is modified to the period already undergone by the petitioner.

Petitioner-Virender Kumar Verma who is in custody, be set at liberty forthwith, if his custody is not required in connection with any other case.

Revision petition is disposed off.

January 7, 2020

Gulati

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No

(MANOJ BAJAJ)
JUDGE