

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No.2362 of 2019 (O&M)

Date of decision : 21.1.2020

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Satpal Singh

.....Petitioner

vs.

State of U.T., Chandigarh

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

...

Present: Mr. S.S. Goripuria, Advocate
for the petitioner.

Mr. Sumit Jain, APP for
U.T. Chandigarh.

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H. S. Madaan, J. (Oral)

Accused – Satpal Singh, faced trial in F.I.R. No. 115 dated 26.7.2009, for offences under Sections 419, 420, 511, 120-B IPC registered with Police Station Sector 3, Chandigarh, by Judicial Magistrate Ist Class, Chandigarh.

Briefly stated that facts of the case as per prosecution story are that accused Satpal Singh was supposed to appear in the examination for recruitment of Constables in Chandigarh Police, having roll number 300304 on 26.7.2009. However, when complainant – invigilator Smt. Harmeet Kaur, carried out checking in

room No. 145, DAV College, Sector 10, Chandigarh, she found that photograph on the admit card did not match with the candidate who was taking up the examination and on being enquired, it came out that original name of that person was Harpal Singh, who was impersonating as Satpal Singh, trying to cheat in the examination. Satpal Singh was arrested in this case. On completion of investigation and other formalities, he had been challaned and charge for offences under Sections 120-B, 420, 511, 419 IPC was framed against him, to which he pleaded not guilty and claimed trial.

Co-accused of Satpal singh had however absented and was declared a proclaimed offender.

During the course of prosecution evidence, the prosecution examined Harmeet Kaur – complainant as PW-1, C. Satyender Kumar as PW-2, Constable Deepak as PW-3, HC Sanjay Kumar as PW-4, SI Inder Singh as PW-5, Prof. Dinesh Talwar as PW-6 and Constable Manjit Singh as PW-7 and thereafter closed the prosecution evidence.

After closure of prosecution evidence, statement of accused under Section 313 Cr.P.C. was recorded in which all the incriminating circumstances appearing against the accused were put to him, to which he pleaded innocence and false implication. However, no evidence was led in defence.

Following points for determination were framed by the trial Court :-

1. Whether on 26.7.2009 in the area of DAV College, Sector 10, Chandigarh, the above said

accused in conspiracy with co-accused attempted to cheat in the examination for the post of constable of Chandigarh Police by impersonating accused Harpal Singh as real candidate instead of accused Satpal Singh?

On conclusion of the trial Judicial Magistrate Ist Class, Chandigarh vide judgment dated 30.7.2016, concluded that accused Satpal Singh in connivance with accused Harpal Singh accused tried to commit cheating in the examination, as such Satpal Singh was guilty of committing an offence under Section 420 read with Section 511 IPC, 419 and 120-B IPC. He was accordingly convicted and vide order of even date he was sentenced as follows :-

<i>Under section</i>	<i>sentence</i>
U/s 420 read with Section 511 IPC	To undergo rigorous imprisonment for one year and to pay fine of Rs.1,000/- and in default of payment of fine, to further undergo rigorous imprisonment for two months.
U/s 419 IPC	To undergo rigorous imprisonment for one year
U/s 120-B IPC	To undergo rigorous imprisonment for six months

All the sentences were ordered to run concurrently.

Feeling aggrieved, the accused-appellant had preferred an appeal before the Court of Sessions, which was disposed of by Additional Sessions Judge, Chandigarh, vide judgment dated 22.8.2019, in as much as his conviction and sentence for offences under Sections 420 read with section 511 and 120-B IPC was upheld, whereas conviction and sentence for offence under Section 419 IPC was set aside.

Accused Satpal Singh was taken into custody and sent behind the bars to undergo the sentence. He has filed a revision petition before this Court challenging the judgments passed by the Courts below.

When the revision petition came up for hearing on 17.9.2019, notice of motion was issued, with regard to quantum of sentence only.

I have heard Learned counsel for the revisionist, Learned standing Additional Public Prosecutor for U.T., Chandigarh, besides going through the record.

As far as conviction of the accused for offences under Section 420 read with Sections 511 and 120-B IPC is concerned, it is based upon proper appraisal and appreciation of evidence and correct interpretation of law by the Courts below. The prosecution has led enough oral as well as documentary evidence to prove those offences. No interference with the impugned judgments in that regard is called for .

However, with regard to the sentence part, learned counsel for the revisionist has contended that revisionist accused is a first offender; he is married having three minor children; he is a poor person; he is only earning member in the family; he is behind the bars for more than six months, as such a lenient view in the matter be taken.

As per the custody certificate filed by the A.P.P. for U.T., Chandigarh, the revisionist accused is shown to have undergone total imprisonment of 6 months and 1 day, out of substantive

imprisonment of one year awarded to him. He is not shown to have any previous criminal record.

Considering the circumstances explained by the learned counsel for the revisionist, I find that it would be proper and appropriate, if the sentence of imprisonment awarded to the accused-revisionist is reduced to the one already undergone by him in this case, keeping the conviction and the fine part intact.

Therefore, the impugned judgments of the Courts below are upheld as regards conviction part for offences under Section 420 read with Sections 511 and 120-B IPC, however, as far as sentence part is concerned, the same is modified and the petitioner is sentenced to imprisonment already undergone by them in this case as mentioned supra. As such the revision petition is accepted partly inasmuch as the same is dismissed as far as conviction part but allowed with regard to the sentence part. Petitioner – Satpal Singh who is stated to be in custody is ordered to be released forthwith, if not required in any other case.

21.1.2020
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(H.S. Madaan)
Judge

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No