

**In The High Court for the States of Punjab and Haryana  
At Chandigarh**

CRR-1046-2019 (O&M)

Date of Decision:- 29.11.2021

Manjit Kaur @ Malkiat Kaur @ Guddi ... Petitioner

Versus

State of Punjab ... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Deshpreet Singh, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

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**GURVINDER SINGH GILL, J.**

1. The petitioner assails judgment dated 18.8.2016, passed by learned Additional Sessions Judge, Fazilka, whereby an appeal filed by the petitioner challenging his conviction, as recorded by learned Judicial Magistrate 1<sup>st</sup> Class, Abohar, vide judgment dated 12.8.2015 in respect of offence under Section 381 IPC has been partly allowed to the extent that accused was held guilty for offence punishable under Section 411 IPC instead of Section 381 IPC and sentence has been reduced to 6 months.
2. The allegations, in nutshell, are to the effect that complainant Chander Sajjan alleged that on 26.5.2010 when he and other members of his family cleaned their house, his wife noticed that her gold jewellery was missing which included garland made of gold weighing 35 grams, one necklace of gold weighing 25 grams, one

bracelet weighing 15 grams, one pair of ear rings weighing 15 grams, four ladies rings weighing 12 grams and two gents rings weighing 8 grams. The complainant alleged that petitioner Manjit Kaur had been employed for cleaning their house and he suspected that she had committed the said theft as she had not reported for work since the last several days. The matter was investigated by the police. The petitioner was arrested on 12.1.2011 and recovery of some gold ornaments weighing 22 grams were effected. Upon conclusion of investigation challan was presented.

3. The prosecution in order to establish its case examined ASI Baljit Singh as PW-1, Chander Sajjan as PW-2, Rani as PW-3, Rattan Lal as PW-4, Pal Singh as PW-5, ASI Satwant Singh as PW-6, ASI Gurmit Singh as PW-7, Malkiat Singh as PW-8, HC Atma Ram as PW-9, LC Harjinder Kaur as PW-10 and Jaspal Singh as PW-11.
4. The statement of accused was recorded in terms of Section 313 Cr.P.C. wherein all the incriminating evidence appearing against her was put to her so as to enable her to explain the same, but she simply pleaded her false implication. The accused in her defence examined DW-1 Guddi, who stated that Malkiat Kaur usually remains ill and that it is the daughter of Malkiat Kaur who is doing labour work and that Malkiat Kaur had never worked as a labourer in the house of complainant Chander Sajjan and had never stolen any article.
5. Learned trial Court upon considering the evidence on record held the accused guilty for having committed offence under Section 381 IPC

and sentenced the petitioner to undergo RI for 1 year vide judgment dated 12.8.2015.

6. The petitioner challenged the aforesaid judgment by way of filing an appeal in the Court of learned Additional Sessions Judge, Fazilka, which was partly allowed and the judgment of learned Judicial Magistrate 1<sup>st</sup> Class was modified to the effect that the petitioner was held liable for having committed an offence punishable under Section 411 IPC while setting aside his conviction under Section 381 IPC and the sentence imposed upon the petitioner was reduced to rigorous imprisonment for 6 months.
7. Learned counsel for the petitioner has submitted that she has falsely been implicated in the instant case and that there is no convincing evidence to connect her with the alleged occurrence and that the impugned judgment deserves to be set aside.
8. I have considered the submissions raised on behalf of the petitioner and have also perused the impugned judgment. Though, there may not be sufficient evidence to show that it is the petitioner who had committed theft in question, but the petitioner cannot escape her liability on account of the factum of recovery of some gold articles belonging to the complainant. The trial Court has marshalled the evidence at length. Though the material witnesses were cross-examined extensively, but nothing favourable to the petitioner could be elicited during their cross-examination. In these circumstances, this Court does not find any ground to interfere with the well reasoned judgment of the Additional Sessions Judge, Fazilka, and the

same is upheld as far as the conviction of the petitioner for offence under Section 411 IPC is concerned.

9. However, there is some room for reduction of sentence particularly keeping in view the fact that the petitioner is an old lady aged about 80 years and is not stated to be involved in any other case as would be evident from the custody certificate filed by learned State counsel today in the Court. The petitioner is stated to have undergone sentence of 3 months and 6 days out of the imposed sentence of 6 months including an actual period of 2 months and 26 days.
10. Having regard to the advanced age of petitioner who is a lady and not a previous convict, the sentence as imposed upon the petitioner is reduced to the one already undergone.
11. The revision petition stands accepted of to the limited extent as indicated above as regards the quantum of sentence.

**29.11.2021**

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**(GURVINDER SINGH GILL)**  
**JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No