

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRR No.778 of 2021 (O&M)
Date of Decision:- 14.12.2021.**

Sukhdev Singh Bhatti

.....Revisionist-Petitioner.

Versus

State of Punjab

.....Respondent.

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Munish Gulati, Advocate
for the revisionist-petitioner.

Mr. Arun Kaundal, D.A.G, Punjab
for the respondent-State.

MEENAKSHI I. MEHTA, J.

Feeling aggrieved by the judgment/order on sentence dated 14.07.2017 passed by the Sessions Judge, Moga (for short “the appellate Court”) whereby the revisionist-petitioner (for short “the petitioner”) has been held guilty for committing the offence under Section 418 IPC and has been sentenced to undergo the rigorous imprisonment for six months and to pay a fine of Rs.500/- for the same while allowing the Criminal Appeal preferred by the respondent-State against the judgment dated 01.11.2019 passed by the Judicial Magistrate 1st Class, Moga (for short, “the trial Court”), qua his acquittal, he (petitioner) has chosen to file the instant revision petition.

Bereft of unnecessary details, the facts culminating in the present revision petition, are that a criminal case was registered against the petitioner vide FIR No.37 dated 28.04.2016 at Police Station Ajitwal, under Section 420 IPC with the allegations that he moved an application to the Moga Co-operative Agriculture Development Bank Limited, Moga for securing the loan to the tune of Rs. five (05) lacs under KCC Scheme, while annexing the *Khasra-Girdawri* and *Jamabandi* pertaining to the land belonging to his name-sake, having the same parentage, therewith.

After the submission of the Challan, the charge was framed against the petitioner under Section 420 IPC and on the conclusion of the trial, he was acquitted of the said charge vide the judgment passed by the trial Court on 01.11.2019. To assail the said judgment, the respondent-State preferred the Criminal Appeal which has been allowed by the appellate Court, while holding the petitioner guilty and awarding punishment to him as described in the opening para of this judgment and the petitioner has laid challenge to the same in this revision petition.

I have heard learned counsel for the petitioner as well as learned State counsel in the present revision petition and have also perused the file thoroughly.

It is pertinent to mention here that at the very outset, learned counsel for the petitioner has submitted that he does not want to address the arguments to assail the impugned judgment of conviction as passed against the petitioner and rather, he intends to confine his arguments to the quantum of sentence awarded to him (petitioner) in this case.

Learned counsel for the petitioner has contended that the petitioner is behind the bars since 14.07.2021 in the present case and thus, he has already undergone the custody/imprisonment for a substantial period of the sentence as awarded to him and is also not involved in any other criminal case and in these circumstances, a lenient view be taken to reduce his sentence.

Learned State counsel does not dispute the afore-referred factual position. As per the custody certificate dated 08.11.2021, the petitioner had completed the imprisonment for the period of 04 months and 10 days, including remission of 15 days, as on that day.

Keeping in view the above-discussed facts and circumstances, this Court is of the considered opinion that it would be in the fitness of the things if the impugned order on sentence is modified by reducing the punishment of rigorous imprisonment for six months, awarded to the petitioner, to the period already undergone by him till date.

Resultantly, the instant revision petition is partially allowed only to the extent of the afore-described modification in the order on sentence while upholding the judgment recorded by the appellate Court qua the conviction of the petitioner.

December 14, 2021
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*