

**CRR-989-2021**

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

**CRR-989-2021 (O & M)**  
**Date of decision: 14.12.2021**

Rampal

...Petitioner

Versus

State of Punjab

.....Respondent

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

Present:- Ms. R.K.Grewal, Advocate,  
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

**HARNARESH SINGH GILL, J. (Oral)**

Custody certificate by way of affidavit of the Additional Superintendent, Central Prison, Ludhiana, has been filed in the Court today. The same is taken on record.

The petitioner was tried in case bearing FIR No.58 dated 07.06.2012, registered at Police Station Bassi Pathana, under Sections 420, 465, 467, 468, 471 and 201 IPC. Learned Chief Judicial Magistrate, Fatehgarh Sahib, vide judgment and order dated 09.09.2016, found the petitioner guilty for the offences punishable under Sections 420, 465 and 468 IPC and sentenced him as under:

| Under Section | Sentence                                        | Fine       | In default                                     |
|---------------|-------------------------------------------------|------------|------------------------------------------------|
| 420 IPC       | Rigorous imprisonment for a period of 02 years. | Rs.1,000/- | Rigorous imprisonment for 10 days.             |
| 465 IPC       | Rigorous imprisonment for a period of 02 years. | Rs.500/-   | Rigorous imprisonment for a period of 05 days. |
| 468 IPC       | Rigorous imprisonment for a period of 02 years. | Rs.1,000/- | Rigorous imprisonment for 10 days.             |

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However, the petitioner stood acquitted under Sections 201 and 467 IPC.

Aggrieved of the judgment and order passed by the learned Chief Judicial Magistrate, Fatehgarh Sahib, the petitioner and State of Punjab preferred separate appeals. However, vide impugned judgment dated 19.08.2021, the learned Additional Sessions Judge, Fatehgarh Sahib, dismissed the appeal filed by the petitioner, but partly allowed the appeal filed by the State, and sentenced the petitioner as under:

| Under Section | Sentence                                       | Fine       | In default                                     |
|---------------|------------------------------------------------|------------|------------------------------------------------|
| 420 IPC       | Rigorous imprisonment for a period of 01 year. | Rs.1,000/- | Rigorous imprisonment for 10 days.             |
| 465 IPC       | Rigorous imprisonment for a period of 01 year. | Rs.500/-   | Rigorous imprisonment for a period of 05 days. |
| 468 IPC       | Rigorous imprisonment for a period of 01 year. | Rs.1,000/- | Rigorous imprisonment for 10 days.             |
| 467 IPC       | Rigorous imprisonment for a period of 01 year. | Rs.3000/-  | Rigorous imprisonment for 01 month.            |

The substantive sentences of imprisonments were ordered to run concurrently.

Still aggrieved, the petitioner has preferred the present revision.

During the course of hearing, learned counsel for the petitioner does not lay any challenge to the judgments of conviction of the petitioner recorded by the courts below and for that reason, the facts are not required to be reproduced here.

Learned counsel for the petitioner has made

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submissions only on the aspect of sentence on which this Court has heard her as well as the learned State counsel.

While making submissions qua the quantum of sentence, learned counsel for the petitioner would submit that the petitioner is a first offender; that he has no shady past; that he has been facing the agony of trial since 2012; that he is the only bread winning member of his family and that his conduct during the trial has been quite fair and *bona fide* and he has never obstructed the course of trial and the appeal. The petitioner has already undergone the sentence of 06 months and 08 days as on 13.12.2021, including the remissions of 15 days. Under these circumstances, the sentence imposed upon the petitioner may be reduced to the one already undergone by him.

On the other hand, learned State counsel, while opposing the submissions made by the learned counsel for the petitioner, would submit that the sentence imposed upon the petitioner is in proportion to the offences committed by him. He does not deserve any leniency.

I have heard the learned counsel for the parties.

Having heard the learned counsel for the parties and after a lucid examination of the record, this Court finds that the court below has rightly convicted and sentenced the petitioner under Sections 420, 465, 467 and 468 IPC. There is no manifest error in the concurrent findings recorded by the court below.

Thus, in my opinion, in view of the evidence on record, there is no scope for least interference in the findings of the Court below, so far as the conviction under Sections 420, 465, 467 and

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468 IPC is concerned. Hence, the conviction of the petitioner under these sections is maintained.

However, the fact remains that the present FIR was registered on 07.06.2012; that the petitioner has been facing the agony of protracted trial for the last more than 09 years; that by now, the petitioner has already undergone the sentence of 06 months and 08 days, including the remissions of 15 days, out of the aforesaid substantive sentence of one year.

In this backdrop, while upholding the conviction of the petitioner under Sections 420, 465, 467 and 468 IPC, the substantive sentence imposed upon the petitioner is reduced to the one already undergone by him. The fine imposed upon the petitioner alongwith its default clause, under the aforesaid sections is maintained. Apart from that, the petitioner is directed to pay a sum of Rs.10,000/- as costs, to be deposited with the District Legal Services Authority, Fatehgarh Sahib, within a period of two months from today. It is made clear that in case, the aforesaid costs are not deposited within the time stipulated, the present revision petition shall be deemed to have been dismissed. The petitioner be released forthwith, if not required in any other case, and further subject to the payment of fine, if not already paid.

Revision petition is disposed of in the above terms.

**14.12.2021**  
mangal singh

**(HARNARESH SINGH GILL)**  
**JUDGE**

|                            |        |
|----------------------------|--------|
| Whether reasoned/speaking? | Yes/No |
| Whether reportable?        | Yes/No |