

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1590-2016 (O&M)
Date of Decision:-06.04.2022

GAJJAN SINGH ... Petitioner

Versus

STATE OF PUNJAB ... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Bhajan Singh Sodhi, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

KARAMJIT SINGH, J. (Oral)

Instant revision petition is directed against the judgment dated 15.3.2016, passed by Additional Sessions Judge, Sri Muktsar Sahib, who dismissed the appeal filed by the appellant against judgment of conviction and order of sentence dated 9.3.2015 passed by Judicial Magistrate Ist Class, Gidderbaha, in which he was sentenced as under:-

Offence	Sentence
Under Section 420 IPC	To undergo RI for 2 years and payment of Rs.1,000/- as fine. In default of payment of fine, further undergo RI for 1 month.
Under Section 467 IPC	To undergo RI for 2 years and payment of Rs.1,000/- as fine. In

	default of payment of fine, further undergo RI for 1 month.
Under Section 468 IPC	To undergo RI for 2 years and payment of Rs.1,000/- as fine. In default of payment of fine, further undergo RI for 1 month.
Under Section 471 IPC	To undergo RI for 2 years and payment of Rs.1,000/- as fine. In default of payment of fine, further undergo RI for 1 month.

All the sentences were ordered to run concurrently.

As per the case set up by the prosecution, the petitioner got job in the Punjab Water Supply Department on compassionate ground by preparing and producing forged matriculation certificate, which was used by the petitioner as a genuine document and thus, he cheated the Department. Consequently, FIR No.81 dated 22.07.2010 under Sections 420, 467, 468, 471 of IPC was registered in Police Station Gidderbaha.

In order substantiate the allegations, the prosecution examined ASI Mukhtiar Singh as PW1, Major Singh Superintendent as PW2, SI Bachan Singh (retired) as PW3, Rakesh Kumar Garg, Executive Engineer as PW4, Bagwant Singh, S.E., as PW5, Sukhjeet Singh, Clerk as PW6, Shankar Dass, retired Superintendent, PSEB Mohali as PW7.

After close of prosecution evidence, the petitioner was examined under Section 313 Cr.P.C. He pleaded false implication and innocence but had not led any evidence in his defence.

After hearing the Assistant P.P. for the State and the defence counsel, the trial Court convicted and sentenced the petitioner as detailed hereinabove.

The appeal filed by the petitioner against the aforesaid judgment and order of the trial Court was also dismissed.

Being not satisfied, the petitioner has filed the present revision petition.

The counsel for the petitioner contended that the prosecution has miserably failed to prove that the matriculation certificate produced by the petitioner was fake. The counsel further contended that even otherwise the petitioner has already suffered a lot as he has been dismissed from service, so prayer is made that the petitioner be sentenced to the period already undergone by him.

On the other hand, the State Counsel submitted that the evidence led by the prosecution clearly establishes that the certificate produced by the petitioner was fake. The counsel further contended that the trial Court rightly convicted and sentenced the petitioner. That even, the Appellate Court also reappraised the entire evidence and rightly dismissed the appeal filed by the petitioner.

I have considered the submissions made by both the counsel.

The matriculation certificate in question, which was produced by the petitioner while seeking employment on compassionate ground was stated to be issued by the Punjab School Education Board. The official of the said Education Board appeared in the witness box as PW7. From the perusal

of testimony of said official of Education Board, it stands proved that the aforesaid matriculation certificate was never issued by the Punjab School Education Board. Further the other supporting evidence led by the prosecution clearly establishes the guilt of the petitioner. So, the trial Court rightly convicted the petitioner and there is no illegality even in the judgment passed by the Appellate Court, whereby the appeal filed by the petitioner against the judgment of the trial Court was dismissed. So the conviction of the petitioner for offences under Sections 420, 467, 468 and 471 IPC is hereby upheld.

There is one another prayer on behalf of the petitioner that he be sentenced to imprisonment for the period already undergone. I have considered this aspect carefully. The FIR in the present case was registered on 22.07.2010. After the registration of said FIR, the petitioner was dismissed from service. The petitioner has faced a protracted trial and has already undergone over more than 8 months of actual custody and is not involved in any other criminal case as per the custody certificate 06.04.2022 issued by Deputy Superintendent of Police, District Jail, Roopnagar.

In view of the above, I am of the opinion that the ends of justice would be met if the substantive sentence of imprisonment awarded by the trial Court is reduced to the period of imprisonment already undergone by the petitioner, as the petitioner has already suffered a huge loss as he had been thrown out of the government service and further undergone approximately 8 months of actual custody. Fine imposed by the trial Court has already been deposited by the petitioner.

Consequently, the present revision is partly allowed. While, maintaining the conviction of the petitioner for offences under Sections 420, 467, 468 and 471 IPC, his sentence is reduced to the period already undergone.

The revision petition stands disposed of accordingly.

(KARAMJIT SINGH)
JUDGE

06.04.2022
P. Chawla

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No