

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

CRR-1288-2021 (O&M)
Date of Decision:- 4.2.2022

Deepak @ Kala

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

The petitioner challenges order dated 3.7.2020 passed by learned Additional Sessions Judge, Rohtak whereby conviction of the petitioner for offence under Section 506 Part II of IPC as recorded by learned Additional Chief Judicial Magistrate, Rohtak, has been upheld though the sentence has been reduced from 7 years to 5 years.

The FIR in question came to be lodged at the instance of Satpal Dhingra wherein it is alleged that he had received a threatening letter. The matter was investigated and the petitioner was arrested by the police. It is the case of prosecution that the petitioner suffered a disclosure statement

admitting his guilt. Upon conclusion of investigation, challan was presented and the petitioner was tried by the Court of learned Additional Chief Judicial Magistrate, Rohtak, and was convicted vide judgment dated 28.3.2018 for offence under Section 506 Part-II of IPC and was sentenced to undergo simple imprisonment for 7 years.

The petitioner preferred an appeal against the aforesaid judgment dated 28.3.2018 before the Court of Sessions. The learned Additional Sessions Judge, Rohtak, vide judgment dated 3.7.2020 affirmed the findings of guilt of the petitioner and affirmed the conviction. However, the sentence, as imposed upon the petitioner by the trial Court was reduced from 7 years to 5 years.

Learned counsel while assailing the impugned orders has submitted that the trial Court has not appreciated the evidence in the correct perceptive and has mainly convicted the petitioner by drawing an adverse presumption against him on account of the petitioner not having furnished specimen hand-writing. It has further been submitted that apart from the said evidence, the only other evidence against the petitioner was in the nature of a disclosure statement of the petitioner himself which would hardly carry any evidentiary value.

I have considered the aforesaid submissions and have also perused the impugned judgments.

The evidence as collected by the investigating agency coupled with the fact that the petitioner did not chose to furnish his specimen hand-writing and also coupled with the fact that the petitioner has a chequered

history inasmuch as he stands involved in 10 other cases, do not warrant any interference in the findings as recorded by the trial Court and as affirmed by the lower Appellate Court. The petitioner otherwise has already undergone the sentence, as imposed upon him, as of now.

The petition is found to be sans merit and is hereby dismissed.

4.2.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No