

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

SR. No.413

CRA-S-1432-SB-2007 (O&M)
Date of decision:01.09.2023

State of Punjab

...Appellant

Versus

Gurdev Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. Mohit Chaudhary, AAG, Punjab
for the appellant.

Mr. Rajat Dogra, Advocate for the respondent.
Respondent in person.

N.S. SHEKHAWAT, J.

1. Vide judgment dated 25.05.2023 passed by this Court, the respondent was ordered to be convicted for the offence punishable under Section 406 IPC and today the case was listed for hearing the respondent on quantum of sentence in terms of Section 235 Cr.P.C.

2. Learned counsel for the appellant submits that the respondent had caused loss to the tune of Rs.2,09,12,111/- (Rupees Two Crores Nine Lakhs Twelve Thousand One Hundred and Eleven only) to the government exchequer and had committed a serious offence. Thus, the respondent does not deserve any leniency from the Court.

3, On the other hand, learned counsel for the respondent submits that the respondent is at present aged about 60 years. His son Gurvinder is

aged about 35 years and is married. Even his daughter Ravneet Kaur is aged

about 30 years and is married. In the present case, the Punjab State Warehousing Corporation had filed a suit for recovery of Rs.1,48,77,587/- along with interest at the rate of 30% per annum and the said suit has been already decreed by the Court of Additional Civil Judge (Senior Division), Moga on 27.09.2012. Even he further submits that the Punjab State Warehousing Corporation had also filed a criminal complaint under Section 138 of the Negotiable Instrumental Act, 1881 for dishonour of three cheques of Rs.45 lacs and the said complaint has been accepted and the present respondent has been convicted in the said case. Apart from that, the present respondent is facing the agony of trial/appeal for the last more than 20 years and a lenient view may be taken, while awarding the sentence to the respondent.

4. I have heard learned counsel for the parties and perused the record.

5. As per the custody certificate filed by the learned State Counsel, the respondent has already undergone 01 year, 05 months and 29 days of actual custody in the present case. Apart from that, the maximum sentence, which can be awarded under Section 406 IPC may extend to a period of 3 years only. Thus, it is apparent that the respondent has already undergone a substantial period of sentence. Consequently the respondent is sentenced to the period, which is already undergone by him, during the course of trial i.e. 01 year, 05 months and 29 days. However, a fine of Rs.20,000/- is imposed on the respondent which shall be deposited by him with the concerned Chief Judicial Magistrate within a period of three months from today. In case the respondent does not deposit the amount of fine within a period of three

months, he shall undergo rigorous imprisonment for a period of six months in default of payment of fine.

6. In view of the above discussion, the present appeal stands disposed of. Pending application, if any, shall also stand disposed of.

01.09.2023
mks

(N.S. SHEKHAWAT)
JUDGE

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO