

2023:PHHC:150504

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

252

CRR-1134-2000 (O&M)
Date of decision : 20.11.2023

Rupinder Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Ishan Gupta, Advocate
for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. This is a revision preferred against the order of conviction. The petitioner who was serving as a Cashier with the bank stands convicted for offence punishable under Section 409 IPC. The judgment of conviction passed by JMIC, Mansa dated 09.03.1999 stands affirmed by the Court of Additional Sessions Judge, Mansa vide order dated 09.08.2000.

2. The petitioner was booked in FIR No.56 dated 11.11.1993, registered for the offences punishable under Sections 409/408/420/ 120-B of IPC, at Police Station Budhlada on the complaint made by Deputy Manager regarding shortage of cash amount, amounting to Rs.5,86,000/- in Cooperative Bank, Budhlada. One key each of the cashsafe is with Bank Manager and Cashier. It is not disputed that evening prior to the fateful day, the cashier reported that cash was as per record. However, on the next day it was found that there was deficiency of Rs.5,86,000/-.

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3. The solitary contention being raised by counsel for the petitioner is that in fact it was a case of theft and petitioner ought not have been convicted for offence punishable under Section 409 IPC. However, he admits that there is no evidence on record to prove the same. Both the Courts below have found after appreciating the evidence threadbare, petitioner guilty of offence punishable under Section 409 IPC and has been sentenced to undergo R.I. for two and a half years apart from fine of Rs.3,000/- which already stands served by the present petitioner.

4. The scope of revision filed under Section 401 Cr.P.C. is limited. It has come on record that on 06.11.1993, the cash in hand of the accused at the time of closing was Rs.5,86,656.57 and he kept the same in the safe. On 07.11.1993, it was a holiday and there was no cash transaction in the bank. It has been further proved that on 08.11.1993, the accused did not raise any voice at the time of taking charge of the cash, even though there was no cash in the safe. Thus, it was for him to see where the cash was.

5. Counsel representing the petitioner admits that there is no evidence qua theft in the bank.

6. In view of above, this Court does not find any reason that warrants interference in the judgments rendered by the Courts below. Resultantly, the present revision petition is dismissed.

7. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

20.11.2023

Dinesh

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned :

Yes

Whether Reportable :

No