

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

236-CRR-888-2019

Date of Decision: 25.04.2023

GURDEV SINGH

... Petitioner

VS.

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Nupur Sood, Advocate for the petitioner

Mr. Mohit Thakur, AAG Punjab

Sandeep Moudgil, J.

This criminal revision petition is directed against the judgments and orders passed by the Courts below whereby the petitioner has been convicted for the commission of offence punishable under Section 417 IPC and sentenced to undergo RI for a period of one year and to pay a fine of Rs.5,000/-.

The allegations against the petitioner are that he had produced a forged Matriculation certificate, at the time of his recruitment, as a constable in the year 2010. Learned counsel for the petitioner contends that he is not challenging the conviction of the petitioner and would confine his prayer to the quantum of sentence, as the petitioner has already lost his job. He has a wife and a minor child to look-after. He is the sole bread winner of the family. He is in custody for a period of 7 months and 22 days with remission out of the total sentence of one year. He further contends that the Courts below have granted maximum sentence of one year for the commission of offence punishable under Section 417 IPC, which is punishable with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Notice of motion was issued in the revision petition as well as application seeking suspension of sentence. Pursuant thereto, the sentence of the petitioner was suspended vide order dated 03.05.2019.

Taking into consideration the fact that the petitioner is a poor person and is confined in judicial custody for the last approximately 8 months out of the total sentence awarded of one year and also to make an attempt to bring him to the mainstream of the society, the judgments passed by both the courts below is upheld, however, the sentence of the petitioner is reduced to the period already undergone by him.

This petition stands disposed of in above terms.

25.04.2023
V.Vishal

(Sandeep Moudgil)
Judge

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No