

243 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2585-2011 (O&M)
Date of Reserve:23.08.2023
Date of Decision:25.09.2023

(i)

Baljit Kaur

...Petitioner

Vs.

State of Punjab

...Respondent

(ii)

CRR-2679-2011 (O&M)

Balwinder Kaur and Others

...Petitioners

Vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Rahul Bhargava, Advocate
for the petitioner in CRR-2585-2011.

Mr. Veneet Sharma, Advocate
for the petitioners in CRR-2679-2011.

Mr.M.S Bajwa, DAG, Punjab.

N.S.Shekhawat J.

1. This judgment shall dispose off two criminal revision petitions i.e CRR-2585-2011 (O&M) titled as *Baljit Kaur Vs. State of Punjab* and CRR-2679-2011 (O&M) titled as *Balwinder Kaur and Ors. Vs. State of Punjab*, whereby the petitioners have challenged the common impugned judgment dated 13.10.2011, passed by the Court of Additional Sessions Judge, Fast Track Court, Jalandhar and the judgment of conviction and order of sentence dated 23.09.2008, passed by the Court of Chief Judicial Magistrate, Jalandhar, whereby the petitioners were ordered to be convicted for the offences punishable under Sections 420,468,471 of IPC and were sentenced as under:-

U/s	RI for	Fine	In default of fine
420	01 year	Rs.1000/-	RI for two months
468	01 year	Rs.1000/-	RI for two months
471	01 year	RS.1000/-	RI for two months

2. At the very outset, learned counsel for the petitioners submit that they do not wish to challenge the judgment of conviction of petitioners and prayed for taking a lenient view in the matter, while awarding the sentence to them. Even though, learned counsel for the petitioners do not wish to challenge the judgment of conviction, still this Court has examined the merits of the present case.

3. The FIR in the present case was got registered by J.L Kataria, Bank Manager of State Bank of India, Civil Lines, Jalandhar. Bank used to make payment of pension to different pensioners on the basis of pension payment order passed by the Treasury officer, Jalandhar. On 31.05.2000 payment of pension made in due course by the bank on the basis of payment pension order passed by the Treasury Officer, Jalandhar and six following payments were disputed by the Treasury Officer, Jalandhar on the ground that this payment pension order were not passed by him and the signature there on appears to be different than that of the passing officer:

Sr.No.	PPO No.	Name	Amount
1.	17196	Kuljit Kaur	892
2.	21802	Kulwant Kaur	9324

3.	25915	Paramjit Kaur	9124
4.	30802	Dawinder Kaur	9524
5.	21822	Kamla Devi	9534
6.	11745	Kanta Rani	9324

4. The said letter regarding the disputing of the aforesaid payment by the District Treasury Officer, Jalandhar was received by branch on 2.6.2000 at about 10.00 A.M. On receipt of said letter undersigned brought this fact to the notice of concerned officials and told them to be vigilant as the Treasury officer disputed certain payments which have not been passed by him. At about 11.00 am today (2.6.2000) in the morning five ladies alongwith their payment pension orders passed by the Treasury officer. Jalandhar approached the bank for making the payment of the pension. On oral enquiry these ladies could not satisfy the passing officials of the bank and as such he became suspicious and on further enquiry from Manjit Singh, the District Treasury officer, Jalandhar who visited the branch alongwith Mohan Lal, Superintendent, it came to their notice that those payment pension orders produced by these ladies before the bank for payment, were not passed by the District Treasury Officer, Jalandhar and these pension payment orders bear number as under:

Sr.No.	PPO No.	Name	Amount
1.	25910/PB	Sukhbir Kaur	5162
2.	26150/PB	Darshan Kaur	9724

3.	2959/PB	Satnam Kaur	8524
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5. On further enquiry these ladies disclosed their name Kulwant Kaur wife of Lakhwinder Singh, Baljit Kaur wife of Narinder Singh, Baljinder Kaur wife of Subegh Singh, Paramjit Kaur wife of Surinder Singh, Balwinder Kaur wife of Baljit Singh, The matter was informed to the police and these five ladies were taken into custody by the police from the bank.

6. After the completion of the investigation, the final report under Section 173 Cr.P.C was presented in the Court and charge under Sections 420,468,471 of IPC was ordered to be framed against the accused, the accused pleaded their innocence and claimed trial. During the course of evidence, the prosecution examined PW-1 HC Subhash Chander, with whom the disputed signatures were deposited for getting the signatures compared from the FSL and he sent the disputed signatures to the FSL. The prosecution further examined PW-2 SI Baldev Singh, Investigating Officer, who had investigated the matter in the present case. He received letter from the manager of the bank Ex. PW2/A, his endorsement as Ex. PW2/B and FIR Ex. PW2/C, the disclosure statement of accused persons Baljinder Kaur, Kulwant Kaur, Balwinder Kaur, Baljit Kaur and Paramjit Kaur are Ex. PW2/D, EX.PW2/E, EX.PW2/F, Ex. PW2/G and Ex. PW2/H respectively. An application for taking hand writing of the accused Ex.PW2/J, order of the Court Ex. PW2/K, specimen signature of the accused Ex. PW2/L, EX.PW2/M, Ex. PW2/N, EX.PW2/O and Ex. PW2/P and the memo vide which these specimen were taken into custody as Ex. PW2/Q, pension payment order as Ex. P1 to Ex. P6, expert report as Ex. PW2/R. PW-3 Baljit Singh, Treasury Officer, was also examined to prove on

record the payment orders Ex.P-1 to Ex.P-6, which did not bear his signatures and supported the version of the complainant. Satish Kumar, Head Cashier was examined as PW-4, who deposed on similar lines and proved the case of the prosecution.

7. I have examined the evidence led by the prosecution in the light of the evidence led before the Trial Court. The prosecution was ordered to be initiated in the present case on the basis of the complaint Ex.PW-2/A. In fact, six payment pension orders were passed on 31.05.2000, which belonged to Kuljit Kaur, Kulwant Kaur, Paramjit Kaur, Davinder Kaur, Kamla Devi and Kanta Rani bearing PPO No.17196, 21802, 25915, 30802, 21822, 11745 respectively. These payment pension orders were not passed by the Treasury Officer and the signatures were apparently forged. When these six payment orders were presented, the bank staff was suspicious. When the accused presented the payment pension orders, they were caught red handed as the payment pension orders produced by the accused were not passed by the District Treasury Officer and all the accused were arrested by the police. Apart from that, Treasury Officer was examined as PW-3, who clearly stated that the payment pension orders were not signed by him and the signatures on the payment pension orders were forged. In the present case, the accused had produced these payment pension orders for receiving the payments and they could not prove that they had not forged these documents. Thus, from the evidence led by the prosecution, the involvement of all the petitioners stood proved.

8. Even otherwise, I have gone through the impugned judgment dated 13.10.2011, passed by the Court of Additional Sessions Judge, Fast Track

Court, Jalandhar and the impugned judgment of conviction dated 23.09.2008, passed by the Court of Chief Judicial Magistrate, Jalandhar and there is no illegality or perversity in the said judgments and the same are ordered to be upheld.

9. Now, advertent to the order of quantum of sentence, it is apparent from the record that the present petitioners were sentenced to undergo rigorous imprisonment for a maximum period of one year. During the course of hearing, learned State counsel has placed on record, the custody certificate of all the petitioners and as per the same, Baljit Kaur has already undergone 03 months and 27 days, Balwinder Kaur has already undergone 04 months and 27 days, Baljinder Kaur has already undergone 04 months and 28 days, Kulwant Kaur has already undergone 04 months and 26 days and Paramjit Kaur has already undergone 04 months and 01 day of actual custody. Further, from the custody certificate it is also evident that all the petitioners are females and are first offenders. Even the petitions were filed in the present case in the year 2011 and for the last 12 years, the petitioners have not indulged in any criminal activity.

10. Apart from that, all the petitioners are facing the agony of the trial/appeal since the date of registration of the FIR in the present case i.e since 02.06.2000 and thus, their case deserves to be dealt with sympathetically and taking a lenient view in the matter, both the petitions are partly allowed and the impugned judgment of convictions are upheld and the order of sentence is modified to the extent that the sentence imposed on the petitioners is ordered to be reduced to the period already undergone by them in the present case. However, the amount of fine imposed on the present petitioners is ordered to be enhanced to Rs.15,000/- each, which shall be deposited with **Punjab and**

Haryana High Court Bar Clerk’s Association within a period of 03 months from today. In case, the amount of fine is not deposited within a period of 03 months from today, the present petition shall be deemed to be dismissed.

11. All other pending applications, if any, are also disposed off, accordingly.

25.09.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No