

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

CRR No.2357 of 2007

Date of decision: 9th February, 2023

Gopal Krishan

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Abhinav Prashar, Advocate
Amicus Curiae for the petitioner.

Mr. Amit Rana, Sr. Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J.

The petitioner has filed the instant revision petition to impugn the order dated 03.11.2007 passed by learned Addl. Sessions Judge, Nawanshahar whereby the appeal preferred by him against the judgment of conviction and order of sentence dated 12.02.2006 passed by learned Judicial Magistrate 1st Class, Nawanshahar, was dismissed.

Vide judgment dated 12.02.2006, learned Judicial Magistrate 1st Class, Nawanshahar, convicted and sentenced the petitioner to undergo rigorous imprisonment for three years and to pay a fine of ₹ 1,000/- and in default of payment of fine to undergo further rigorous imprisonment for 15 days under Section 420 IPC.

The case as set up by the prosecution may be noticed as thus:

The FIR in question was registered on the statement made by Lakhbir Singh who alleged that on 26.12.1998 the petitioner had

taken ₹40,000/- from him on the pretext of sending him abroad. However, neither was the complainant sent abroad nor was he repaid the money, and still further, even his passport was not returned to him by the petitioner.

Learned counsel for the petitioner has fairly submitted that in view of the findings of fact recorded by both the Courts below, he would not press the instant revision petition on merits and would instead restrict his prayer qua the quantum of sentence only. Learned counsel submits that the occurrence in question pertains to the year 1998 and the petitioner has thus, suffered the agony of protracted trial for the last about 25 years. Learned counsel further submits that the petitioner has been leading the life of disciplined and peace loving citizen ever since then and is not involved in any other criminal case. A prayer, therefore, has been made that in the aforesaid facts and circumstances, a lenient view be taken and the quantum of sentence awarded to the petitioner by the Trial Court be reduced to the period already undergone as no useful purpose would be served by sending the petitioner behind bars. The custody certificate, which has been filed by the State counsel today in Court, does not reflect the involvement of the petitioner in any other criminal case.

Heard learned counsel for the parties and perused the relevant material available on record.

I have perused the judgments passed by Courts below and do not find any illegality much less perversity in the said judgments which are upheld. However, in view of the fact that the case was registered in the year 1998 and the submissions made by learned

counsel for the petitioner, this Court is of the considered view that ends of justice would be met, if while maintaining the conviction of the petitioner his substantive sentence of three years is reduced to the period already undergone by him in the present case.

However, fine imposed on the petitioner is enhanced from ₹ 1000/- to ₹ 10,000/- under Section 420 IPC. It is made clear that in case of non-deposit of fine with the trial/successor Court within a period of two months from the date of this order, benefit of reduction of sentence shall not accrue to the petitioner and he will be required to undergo the remaining part of the sentence awarded to him. On deposit of fine, the enhanced amount of fine shall be disbursed to the complainant on proper identification.

With these modifications, the instant revision petition is disposed of.

(MANJARI NEHRU KAUL)
JUDGE

February 9, 2023

rps

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