

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

**CRR-2051-2019 (O&M)
Date of Decision : 10.04.2023**

Devi Prasad @ Ankur @ Amit and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present : Mr. Anshumaan Dalal, Advocate
for the petitioners.

Mr. Gurbir Singh Dhillon, AAG, Haryana
for the respondent-State.

VIKRAM AGGARWAL, J (ORAL)

CRM-16148-2022

Prayer in this application is for placing on record the photocopy of medical record of petitioners as Annexure P-1 and to exempt the petitioners from filing the certified/true typed copy of the same.

Heard. For the reasons, mentioned in the application, the same is allowed subject to all just exceptions. The medical record Annexure P-1 is taken on record.

CRR-2051-2019

Custody certificates have been filed. The same are taken on record.

The present revision petition is directed against the judgment

dated 08.08.2019, passed by the learned Addl. Sessions Judge, Rohtak vide which the appeals filed by the petitioners against the judgment of conviction and order of sentence dated 30.03.2018, passed by the Judicial Magistrate Ist Class, Rohtak, vide which petitioner Devi Prasad @ Ankur @ Amit was convicted and sentenced to undergo simple imprisonment for a period of 06 months alongwith fine of Rs.1,000/- on each count under Sections 419 and 120-B IPC and petitioner Pardeep Duhan was convicted and sentenced to undergo simple imprisonment for a period of 06 months alongwith fine of Rs.1,000/- under Section 120-B read with Section 419 IPC., were dismissed.

2. Petitioner No.1 Devi Prasad @ Ankur @ Amit was caught appearing in an examination, on behalf of petitioner No.2 Pardeep Duhan. On a complaint submitted by the Controller of Examination, Pandit Bhagwat Dayal Sharma University, Rohtak, an FIR was registered. Investigation commenced. After the conclusion of the investigation, final report under Section 173 Cr.P.C. was submitted. Trial started. After the conclusion of the trial, the petitioners were convicted and sentenced by the trial Court, as referred to in the preceding paragraph. The appeals filed by the petitioners against the judgment of conviction and order of sentence of the trial Court, was dismissed by the learned Addl. Sessions Judge, Rohtak against which the present revision petition has been filed.

At the outset, learned counsel for the petitioners has submitted that the petitioners do not wish to challenge the judgments of the Courts below on merits and only pray that their sentence be modified to that already undergone by the petitioners. It has been submitted that fine has already been paid by the petitioners. Learned counsel has submitted that the alleged

incident was of the year 2009. He further states that the judgment of conviction was passed in the year 2018 and appeals were dismissed in the year 2019 after which the present revision petition has been pending adjudication before this Court. He submits that the petitioners who were students at the relevant time have been facing the ordeal of trial for the last 14 years. He prays that a lenient view in the matter of sentence be taken.

On the other hand, learned counsel representing the respondent-State of Haryana has opposed the prayer made by the learned counsel for the petitioners. It has been submitted that petitioner No.1 was caught impersonating petitioner No.2 in an examination and such persons do not deserve any relief.

I have considered the submissions made by learned counsel for the parties and have gone through the judgments passed by the learned courts below.

The prosecution examined 14 witnesses and also produced other documentary evidence on record. It was successful in proving its case against the accused beyond reasonable doubt. The judgments do not indicate any reason for this Court to interfere in the judgment of conviction and, therefore, the same is maintained. However, in so far as the sentence is concerned, admittedly, the petitioners were students at the relevant time. They have been facing the ordeal of trial for the last 14 years as the incident took place in the year 2009, the matter was decided by the trial Court in 2018 and by the First Appellate Court in 2019 after which the revision petition has been pending before this Court. As per the custody certificate of petitioner No.1, he has undergone total custody of 04 months and 07 days (including remission) and

03 months and 07 days (excluding remission) and petitioner No.2 has undergone 03 months and 26 days (including remission) and 02 months and 26 days (excluding remission). The petitioners are not known to be previous offenders. Fine is also stated to have been paid. In the considered opinion of this Court, facing the ordeal of trial for 14 years would have acted as a sufficient deterrent for the petitioners and they are not stated to have indulged in any such or other crime after the incident in question.

In view of the aforementioned facts and circumstances, the judgment of conviction of the appellants under Sections 419 read with Section 34 and 120-B IPC does not call for any interference and is, therefore, affirmed. However, sentence qua imprisonment is reduced to the period already undergone by them as depicted in the custody certificates placed on record today. A copy of this judgment be sent to the concerned trial Court as also the Chief Judicial Magistrate, Rohtak for necessary action.

13. With the aforesaid modification, the petition stands disposed of.

(VIKRAM AGGARWAL)
JUDGE

10.04.2023
mamta

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No