



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

CRR-4084-2014

Date of decision: 03.09.2024

Krishna

...Petitioner

Versus

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Vishal Garg Narwana, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present revision petition has been filed by the petitioner against the judgment dated 08.12.2014 passed by the Court of Additional Sessions Judge, Bhiwani vide which the appeal filed by the petitioner against the judgment and order dated 31.10.2011 passed by the Court of Judicial Magistrate Ist Class, Bhiwani whereby the petitioner was convicted and sentenced to RI for a period of 2 years and to pay a fine of Rs.1000/- and in default of payment of fine to further undergo simple imprisonment for a period of 1 month under Section 420 IPC, was dismissed.

2. The brief facts of the case of complainant are that complainant/respondent No.2 filed private criminal complaint against the present petitioner alleging that he is resident of Ward No.12, Tosham, District Bhiwani. The petitioner contested election for the post Panch from Ward No.12 which were held in July 2006 against a vacancy reserved for Harijan female candidate and she was elected against the said post. At the time of filing of her nomination, the petitioner furnished an affidavit to the effect that she was having only two living children. It was further alleged in the complaint that actually petitioner at the time of filing of nomination papers was having three children namely Mangal Singh, Sukhram Singh and



Kumari Pratibha and their detail is given in her ration card. In this way, petitioner had given false affidavit and thus, cheated the government authorities. The complainant reported the matter to the police but no action was taken.

3. On completion of preliminary evidence, the Court of Illaqa Magistrate concerned summoned the petitioner to face trial under Section 420 IPC. In pursuance thereof, petitioner appeared and was released on bail by the Court concerned.

4. In pre-charge evidence, complainant examined PW-1 Anil Kumar and PW-3 Prabhu Ram Advocate and he himself appeared in the witness box as PW-2.

5. Finding a prima facie case against the petitioner, charge under Section 420 IPC was framed to which she pleaded not guilty and claimed trial.

6. During the post-charge proceedings, the complainant was further cross-examined by the defence counsel. The complainant closed his evidence.

7. Statement of petitioner under Section 313 Cr.P.C. was recorded wherein she pleaded false implication and claimed innocence. The petitioner had not led any evidence in her defence.

8. After hearing, the counsel for the parties, learned trial Court convicted and sentenced the petitioner under Section 420 IPC as has been detailed in the opening paragraph of the present judgment.

9. Being aggrieved, petitioner filed appeal assailing the judgment of conviction and order of sentence passed by the trial Court. The complainant filed separate appeal seeking enhancement of sentence imposed by the trial Court. Both the appeals were dismissed by the appellate Court vide common judgment dated 08.12.2014.

10. Being not satisfied, petitioner has filed the present revision petition.

11. The counsel for the petitioner submits that the petitioner was falsely implicated in the present case and that there is no authentic document available on the record to establish that petitioner was having



three children at the time when she filed her nomination papers to contest election for the post of Panch against seat reserved for female Scheduled Caste candidate. The counsel for the petitioner further submits that if, the Court comes to the conclusion that petitioner was rightly convicted under Section 420 IPC, in that case, the petitioner be given concession of probation. It is further submitted that petitioner is a senior citizen and belongs to weaker section of the society and is having no criminal antecedents. The counsel for the petitioner further submits that in alternative, the petitioner may be sentenced to imprisonment for a period already undergone by her.

12. On the other hand, the State counsel while supporting the judgment dated 31.10.2011 passed by the learned trial Court and upheld by the Court of Additional Sessions Judge, Bhiwani submits that sufficient evidence is available on the record to establish that at the time of filing her nomination papers, petitioner submitted false affidavit with regard to total number of her children. The State counsel further submits that the revision petition deserves to be dismissed.

13. I have considered the submissions made by counsel for the parties.

14. In all prosecution examined, three witnesses including the official witness who produced the summoned record including birth certificates of three children of the petitioner and her ration card wherein also three children were shown as members of her family. Even the execution of the affidavit in question which was found to be false, also stands proved on the record. Thus, the judgment of conviction passed by the trial Court and judgment dated 08.12.2014 passed by the Court of Additional Sessions Judge, Bhiwani are hereby upheld.

15. The petitioner has suffered the agony of trial for more than 15 years. Undoubtedly, petitioner belongs to Scheduled Caste community and as per counsel for the petitioner, she is a senior citizen. The petitioner is having no criminal antecedents. As per custody certificate, petitioner remained in custody for a period of more than three months, out of which post conviction period is about two months. Fine imposed by the trial Court

has already been paid.

16. Taking into consideration, the facts and circumstances of the case and further the fact that the petitioner belongs to weaker section of society, it can be said that the ends of justice will be met, if the petitioner is released on the sentence already undergone by her.

17. Consequently, the present petition is partly accepted and the petitioner is sentenced to imprisonment for a period already undergone by her. The sentence of the petitioner was suspended vide order dated 30.01.2015. Her surety stands discharged.

03.09.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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