



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.2336 of 2006
Date of decision: 2nd August, 2024

Ved Pal
... Petitioner
Versus
State of Haryana
... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Monica Jalota, Advocate
Amicus Curiae for the petitioner.
Mr. Yuvraj Shandilya, Asst. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner has filed the instant revision petition to challenge the order dated 24.07.2006 passed by learned Addl. Sessions Judge, Ambala in Criminal Appeal No.42 of 2004 whereby the judgment of conviction dated 23.12.2003 and order of sentence dated 24.12.2003 passed by learned Railway Magistrate (Haryana), Ambala Cantt, was upheld.
2. Vide judgment dated 23.12.2003, learned Railway Magistrate (Haryana), Ambala Cantt convicted and sentenced the petitioner along with two co-accused i.e. Pritam Pal and Pritam Singh, to undergo rigorous imprisonment for one year and to pay a fine of ₹1000/- each, and in default of payment of fine to further undergo rigorous imprisonment for two months each under Section 3 of the



Railway Property (Unlawful Possession) Act (hereinafter referred to as, 'the Railway Act').

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

On 18.05.1994 at around 1:00 p.m., ASI Ram Kishan, G.R.P., Jagadhri on receipt of message of ASI Balbir Singh, Police Station Farakpur that some persons after cutting Eucalyptus trees were loading them in a cart, reached at the spot and arrested two persons carrying eight number wooden pieces. On enquiry they disclosed their names as Pritam Pal son of Kalu Ram and Pritam Singh son of Vilayati Ram and stated that they were working with Railway Contractor Ved Pal on hire basis of ₹100/- for carrying wooden pieces. Since the stolen property belonged to Railways, information was given to RPF Post Jagadhri on which ASI Ram Kishan alongwith other police officials reached the spot and found that eight wooden pieces of four Eucalyptus trees were being carried away by Pritam Pal and Pritam Singh. The stolen property was taken in possession and petitioners were arrested. The place from where trees were allegedly cut was got identified. Samples from the wooden pieces were taken and sent to Wood Anatomy, Botany Division, Forest Research Institute, Dehradun (UP) for verification and as per scientist report three samples were of the same tree and one piece was different. During interrogation, petitioners suffered disclosure statements. Accused Ved Pal seeing the police party had fled away from the spot and was arrested on 20.05.1994 by Sub Inspector R.P. Singh. He also suffered a disclosure statement and in pursuance of the same got recovered an axe used by him for cutting the trees, which was taken into possession. On



completion of investigation and other formalities the complaint was sent to the Court for trial.

4. Learned Amicus Curiae has argued that the trial Court as well as the lower Appellate Court erred in recording a finding of conviction against the petitioner as there was lack of reliable or independent evidence qua the alleged recoveries from the petitioner. Furthermore, the reliance by the courts below on a confessional statement, recorded by RPF officials without any independent corroboration too raised a question mark. Learned Amicus further vehemently argued that the trial Court disregarded the relevant case laws which clearly reflected lack of any legal reasoning. The reliance of the prosecution solely on official witnesses, with no independent verification or corroboration, further created a dent in the case of the prosecution. Learned Amicus also argued that the petitioner was arrested two days after the occurrence in question on the basis of a totally inadmissible evidence i.e. a disclosure statement. Furthermore, the prosecution failed to produce any documentary evidence much less a shortage memo or any complaint having been made by the Railways. Pertinently, the recovered property did not bear any marks of the Railways, and thus, there was no cogent evidence confirming that it belonged to the Railways.

5. I have heard learned counsel for the parties and perused the relevant material on record including the impugned judgments passed



by Courts below. This Court does not find any illegality much less perversity in them.

6. At this stage, learned Amicus Curiae appearing on behalf of the petitioner prays that a compassionate view be taken since the petitioner has suffered the agony of a protracted trial for the last 30 years; the petitioner has been leading a disciplined life ever since then as it is a matter of record that he has not been involved in any other criminal case. A prayer has, therefore, 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 Court below be reduced to the period already undergone as no useful purpose would be served by sending the petitioner behind bars.

7. The custody certificate, which has been filed by the State counsel today in Court, reflects that the petitioner has previously been involved in a similar case under Sections 145/147 of the Railway Act, however, he has since been released on expiry of the sentence awarded to him in the aforesaid case.

8. Keeping in view the facts and circumstances of the case as well as the submissions made by learned Amicus Curiae appearing on behalf of 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 one year is reduced to the period



of sentence already undergone by him in the present case. There shall be no modification with regard to sentence of fine.

9. With these modifications, the instant revision petition is disposed off.

(MANJARI NEHRU KAUL)
JUDGE

August 2, 2024
rps

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