



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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Criminal Revision No.2522 of 2024 (O&M)
Date of decision: December 18th, 2024

Tirath Singh
.....Petitioner
Versus

State of Punjab
....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kanwaljeet Singh Brar, Advocate
for the petitioner.

Mr. H.S. Deol, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J.

Petitioner is challenging the judgment dated 07.11.2024 passed by learned Additional Sessions Judge, Bathinda, whereby the appeal preferred by him against the judgment of conviction and order of sentence dated 15.11.2018 passed by learned Judicial Magistrate 1st Class, Bathinda, in FIR No.51 dated 07.04.2015 under Sections 406 of the IPC registered at Police Station Nahianwala, District Bathinda, vide which the petitioner was convicted and sentenced as follows, was dismissed:

Offence(s) under Section	Period of sentence	Fine imposed	Period of sentence in default of payment of fine
406 of the IPC	RI for 1 year	₹1,500/-	S.I. for 15 days

2. The present petition arises out of FIR No.51 dated 07.04.2015 under Sections 406 of the IPC registered at Police Station Nahianwala, District Bathinda, on the complaint of Balkaur Singh.

As per allegations levelled against the petitioner, Gurjant Singh and others caused injuries to the complainant Balkaur Singh leading to the registration of an FIR No.123 dated 13.10.2023 against them. However, a compromise was affected, wherein Gujant Singh etc. promised to pay ₹6,50,000/- to the complainant Balkaur Singh for the purpose of his treatment etc.; ₹5 lakh was given to the present petitioner-Tirath Singh (Sarpanch) and remaining ₹1,50,000/- was given to Ravi Singh, Member Panchayat. The said money had been handed over to the petitioner in the presence of certain individuals. Although petitioner-Tirath Singh handed over ₹3,70,000/- out of ₹5,00,000/- given to him, remaining amount of ₹ 1,30,000/- was not paid by the petitioner to Balkaur Singh. Despite repeated assurances, the petitioner defaulted in paying the remaining sum of money. The petitioner even threatened the complainant with dire consequences in case he insisted upon the payment of the remaining sum of money i.e. ₹1,30,000/-. The learned trial Court, upon examining the evidence and material on record, convicted the petitioner under Section 406 of the IPC and sentenced him as follows:

Offence(s) under Section	Period of sentence	Fine imposed	Period of sentence in default of payment of fine
406 of the IPC	RI for 1 year	₹1,500/-	S.I. for 15 days

3. The petitioner subsequently challenged his conviction and sentence by way of an appeal, which was dismissed by the learned Appellate Court vide its order dated 07.11.2024.
4. At the outset, learned counsel for the petitioner has submitted that he does not seek to contest the concurrent findings of conviction recorded by the trial and Appellate Courts. Instead, he would

confine his arguments to the quantum of the sentence imposed. He has contended that the petitioner has already undergone 1 month 18 days of the substantive sentence of one year; the incident dates back to the year 2015, and the petitioner has endured the ordeal of protracted criminal litigation, culminating in his conviction on 15.11.2018. The petitioner has since maintained good conduct, has no prior criminal antecedents, and has been leading a disciplined and law abiding life. Hence, sending the petitioner back to custody to serve the remainder of the sentence would serve no useful purpose. A prayer has been made for leniency on the aforementioned grounds and reducing the sentence to the period already undergone.

5. While opposing the prayer for leniency, learned State counsel has argued that the findings of guilt by both the trial and Appellate Courts remain unchallenged. However, it has been conceded by the learned State counsel that the petitioner has not been involved in any criminal activity since the incident and has maintained good conduct. Learned State counsel has also placed on the record the custody certificate of the petitioner. The custody certificate placed on record corroborates the same.

6. This Court has considered the submissions advanced by both the sides and perused the material on record.

7. The concurrent findings of guilt recorded by the learned trial Court and the Appellate Court are based on a thorough evaluation of the evidence. The conviction of the petitioner under Section 406 of the IPC stands affirmed.

8. However, considering the mitigating factors and the fact that the petitioner has been facing trial since 2015, coupled with the fact

that he has no previous criminal antecedents, this Court finds it appropriate to modify the sentence imposed.

9. The conviction of the petitioner under Section 406 of the IPC is upheld. The substantive sentence of imprisonment of one year is reduced to the period already undergone by the petitioner. However, the petitioner is directed to pay compensation of ₹50,000/- to the complainant under Section 357 of the Cr.P.C./395 of the BNSS. The same shall be deposited within three months from the date of this order. In the event of non-deposit of compensation amount with the trial/successor Court, within the stipulated period, the benefit of reduction of sentence will not accrue to the petitioner, and he will be required to serve out the remaining part of his sentence. On deposit of compensation amount, the same shall be disbursed to complainant after intimating him, against proper receipt.

10. With the aforesaid modifications, the revision petition stands disposed of.

December 18th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No