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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.REV.P. 1002/2024 & CRL. M.A. 23131/2024, CRL. M(BAIL)
1292/2024.

SHYAM SINGH

.....Petitioner

Through: Mr. Kushdeep Gaur, Advocate
(through VC).
Petitioner is present through VC from
Central Jail No.1 along with Warden
Balan Singh.

Versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Laksh Khanna, APP for State

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
08.08.2024

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1. By way of present petition, the petitioner seeks to assail the judgement of conviction dated 04.01.2023 and the order on the point of sentence dated 20.01.2023 passed by the Ld. ASJ, Tis Hazari Courts, Delhi upholding the judgement dated 28.09.2018 whereby the applicant was convicted under Sections 120B/468/471 IPC and order on sentence dated whereby he was directed to undergo SI for 5 months u/s 120B IPC for the offence of criminal conspiracy to cheat, SI for 5 months u/s 120B IPC for the offence of criminal conspiracy to forge documents, SI for three years for forgery u/s 468 IPC, SI for 2 years u/s 471 IPC. The sentences were directed to run concurrently. In addition, a fine of Rs 30,000/- was also imposed in



default of which, the applicant was directed to undergo further SI for a period of 6 months.

2. A perusal of the court records would show that the allegations against the present petitioner are that of fraud and forgery of documents, exhibited as Ex. P4-P7, with respect to an immovable property, thereby cheating the complainant. It has been alleged that the petitioner along with other co-accused maliciously impersonated themselves as one *Joginder Singh and Munshi Ram* in front of Sub-Registrar, Kashmere Gate and signed the relevant documents as executants.

3. In the present case, *Joginder Singh* was examined as PW-1. In his testimony, he denied his signatures on the aforementioned documents. The said statement is also corroborated by the FSL report, exhibited as Ex PW16/A where the specimen signatures of *Joginder Singh* were not found matched with the signatures on the documents. Reference is also made to the testimony of the Sub-Registrar, Kashmere Gate, examined as PW-3, who based on photographs on the documents identified the present petitioner and stated that the petitioner had appeared before him at the time of execution of the documents, while not specifying if he signed as *Joginder Singh* or *Munshi Ram*. PW-6, who was working as a typist outside the old court of Kashmere Gate and had received the particulars of the parties and of the property in question to prepare the relevant documents, has stated in his testimony that it was the present petitioner who had appended his signatures on the said documents as *Joginder Singh*. Interestingly, the petitioner examined himself as DW-2. He stated that the co-accused had approached him in order to sell the plot in question in the name of his friend for which he required the signatures of the petitioner as a witness, which he complied



with.

4. It is based on these facts that the Trial Court came to the conclusion that the petitioner had committed the forgery of the documents in question by signing as *Joginder Singh* along with the co-accused persons thereby committing the afore-mentioned offences. After perusing the relevant documents produced and hearing the contentions of the respective parties, this Court concurs with the findings of both the Courts.

5. At this stage, learned counsel for the petitioner, on instructions from the petitioner who has been produced on VC from Central Jail 2, Tihar, New Delhi states that he does not challenge the conviction under the aforesaid sections however, prays that the sentence awarded to him be modified to the period already undergone by him. It is stated that the petitioner is a senior citizen being 70 years old and has undergone incarceration of about 2 years. It is further stated that he belongs to a poor strata of society and is the sole bread earner in the family with a wife to look after.

6. The latest nominal roll of the appellant is placed on record which indicates that the petitioner has undergone 1 year, 3 months and 21 days as on 18.03.2024 with satisfactory jail conduct. The petitioner is also stated to be not involved in any other case.

7. Considering the same, the petitioner's sentence is modified to the period already undergone and the fine amount is reduced to Rs 5000/-. Subject to petitioner's depositing the fine amount, he be released unless required in any other case.

8. Petition is disposed of in the above terms alongwith pending applications.

9. A copy of this order be communicated to the concerned Jail



Superintendent as well the Trial Court.

AUGUST 8, 2024
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MANOJ KUMAR OHRI, J