



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

CRA-S-926-2025 (O&M)
Date of decision: 20.03.2025

Rajpati

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

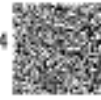
Present: Mr. Bhavya Vats, Advocate for the appellant.

Mr. Karan Garg, AAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present appeal filed by the appellant against the judgment and order dated 13.01.2025 passed by the Court of Additional Sessions Judge, Jind vide which the appellant was convicted and sentenced to RI for two years and to pay a fine of Rs.10000/- and in default of payment of fine to further undergo SI for a period of three months, under Section 379 IPC in a criminal case having FIR No.83 dated 24.03.2021, under Section 328, 379, 201 IPC, registered at Police Station Civil Line, Jind.

2. The brief facts of the case of prosecution are that complainant Sushil wife of Dharampal came to Bank of Baroda on 19.03.2021, to withdraw amount of Rs.24000/- from her bank account and after withdrawing the said amount, she went to SD School and then, she went towards Gandhi Gali to see Chundari and on the way, she was followed by one lady. The said lady started talking to her and misguided the complainant and took her near tanga chowk and from there the said lady took the



complainant to canal near Amarheri road, where she administered some intoxicants substance to the complainant and took away aforesaid cash worth Rs.24000/-, silver chain, gold ear rings and one gold om belonging to the complainant. The matter was reported to the police which resulted into registration of FIR.

3. During investigation, the identity of the said lady was established as Rajpati (appellant) and thereafter, the appellant was arrested. On completion of investigation, police presented challan against the appellant, in the Court of Illaqa Magistrate concerned. The case was committed to the Court of Sessions vide order dated 01.02.2022 passed by the Court of Judicial Magistrate Ist Class, Jind.

4. The trial Court framed charges under Section 328 and 379 IPC to which the appellant pleaded not guilty and claimed trial.

5. In order to prove its case, prosecution examined 7 witnesses in all.

6. Complainant while appearing in the witness box as PW-1 reiterated the averments made in FIR. She also proved the written complaint Ex.P-1 which was lodged by her with the police regarding the incident in question.

7. PW-5 SI Bijender Singh deposed that on 05.01.2022, he formally arrested appellant in criminal case having FIR No.231 dated 28.05.2021, registered in Police Station City Jind, under Sections 379, 328 read with Section 34 IPC and during interrogation, she suffered disclosure statements Ex.P-9 and Ex.P-10 which were duly attested by PW-3 ASI Rajesh Kumar and appellant admitted her involvement in the present case.



8. PW-6 SI Sandeep Kumar deposed that appellant was formally arrested in the present case on 17.01.2022 after getting her production warrants. The appellant was identified by the complainant vide memo Ex. P-2 and on her interrogation, the appellant suffered disclosure statement Ex.P-3 which was attested by PW-2 HC Virender. In pursuance to the said disclosure statement, appellant got recovered stolen cash worth Rs.15,700/- from her house which was seized by the police vide memo Ex.P-4. He also prepared the site plan of the place of recovery.

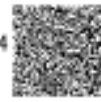
9. PW-2 HC Virender corroborated the statement of PW-6 SI Sandeep Kumar, while PW-3 ASI Rajesh Kumar corroborated the statement of PW-5 SI Bijender Singh.

10. PW-7 ASI Ravinder deposed that on 24.03.2021, complainant moved an application Ex.P-1 along with her bank statement Ex.P-11, upon which he lodged FIR Ex.P-13.

11. PW-4 SI Ravinder Kumar prepared the final report under Section 173 Cr.P.C.

12. On conclusion of the prosecution evidence, the statement of appellant under Section 313 Cr.P.C was recorded wherein she pleaded innocence and false implication. However, appellant did not examine any witness in her defence.

13. After hearing the counsel for the parties, the learned trial Court came to the conclusion that prosecution has failed to prove its case beyond doubt against the appellant under Section 328 IPC and resultantly, appellant was acquitted of the charge under Section 328 IPC. However, the appellant was found guilty under Section 379 IPC and was sentenced to imprisonment



and to pay a fine as is detailed in the opening paragraph of this judgment.

14. Being aggrieved, the appellant has filed the present appeal.

15. The counsel appearing on behalf of the appellant at the outset has stated that he is not contesting the judgment of conviction passed by the trial Court. He further submits that the appellant has already undergone more than 1 year and 11 months out of total substantive sentence of 2 years and that the sentence of appellant may be reduced to already undergone. The counsel for the appellant further submits that the appellant will deposit fine of Rs.10000/- imposed by the trial Court with the jail authorities.

16. The counsel appearing on behalf of the State while supporting the impugned judgment of conviction and order of sentence, submits that the present appeal deserves to be dismissed. However, the State counsel has not disputed the fact that appellant has already undergone almost the entire substantive sentence imposed by the trial Court.

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

18. Taking into consideration the facts and circumstances of the case coupled with the evidence led on behalf of the prosecution and the fact that the judgment of conviction passed by the trial Court is not seriously contested by the counsel for the appellant, the judgment of conviction passed by the trial Court is hereby upheld.

19. Admittedly, appellant is a lady aged about 55 years and she has already undergone more than 1 year, 11 months and 28 days out of total substantive sentence of 2 years. In the given circumstances, this Court is of the opinion that the sentence already undergone by the appellant will meet

the ends of justice. Therefore, sentence of appellant is reduced to the sentence already undergone by her. However, sentence of fine inflicted by the trial Court is maintained. The same shall be deposited by the appellant within a period of next 8 weeks from the receipt of certified copy of this order. In case, the fine is not deposited, the benefit of reduction of sentence shall not accrue to the petitioner.

20. With the observations made herein above, the present appeal is disposed of.

20.03.2025
Yogesh

(KARAMJIT SINGH)
JUDGE

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