

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

**CRR-2792-2008 (O&M)
Decided on : 24.07.2025**

Manjit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr.R.S.Bains, Senior Advocate with
Ms. Arushi Garg, Advocate
for the petitioner.

Ms. Shiny Chopra, AAG, Punjab.

VIKRAM AGGARWAL, J(ORAL)

The present revision petition assails the judgment dated 16.12.2008, passed by the Court of Additional Sessions Judge, Tarn Taran vide which the appeal preferred by the petitioner against the judgment of conviction and order of sentence dated 06.02.2007, passed by the Court of Judicial Magistrate Ist Class, Tarn Taran was dismissed.

2. Vide judgment of conviction dated 06.02.2007, the Court of Judicial Magistrate Ist Class, Tarn Taran convicted the petitioner under Section 471 of the Indian Penal Code (for short 'IPC') and was acquitted of the charges framed against him under Sections 420, 467, 468 IPC. Vide order of sentence of even date, the petitioner was sentenced to undergo rigorous imprisonment for a period of 01 year and a fine of Rs.1,000/- was also imposed. In default of payment of fine, the petitioner was ordered to undergo further rigorous imprisonment for two months.

3. On a complaint submitted by one Head Constable Parkash Singh, FIR No.112 dated 21.09.1996 was registered under Sections 420, 460, 471, 467 IPC at Police Station Goindwal Sahib. The complainant Head Constable Parkash Singh alleged that he had 2½ acres of land in Village Munda Pind. His crops got destroyed in floods. A cheque of ₹3250/- was issued to him by the Government as compensation which was duly encashed. The balance amount of Rs.1750/- was also paid by way of a cheque which was misappropriated by Ex-Sarpanch Gurdial Singh. During investigation, Gurdial Singh was found to be innocent and it was found that the present petitioner had misappropriated the cheque. It was alleged that he had opened an account in the name of Parkash Singh and had deposited the cheque in the said account and had thereafter withdrawn Rs.1750/-. On completion of investigation, final report under Section 173 Cr.P.C. was submitted.
4. Charges were framed and the trial commenced. The prosecution examined four witnesses in its evidence. After the closure of prosecution evidence, statement of accused under Section 313 of the Code of Criminal Procedure (for short 'Cr.P.C.') was recorded. No evidence was led in defence.
5. The trial Court convicted and sentenced the petitioner in the manner as referred to in the opening part of the judgment. The petitioner preferred an appeal which was dismissed by the Court of Additional Sessions Judge, Tarn Taran leading to the filing of the present revision petition.
6. I have heard learned counsel for the parties.
7. At the outset, learned Senior counsel representing the petitioner submits that the petitioner does not challenge the judgment of conviction on merits. He, however, submits, for the petitioner has undergone a protracted trial

as FIR was registered against him in 1996, he was convicted vide judgment dated 06.02.2007 and even appeal was dismissed on 16.12.2008 after which the instant revision petition was filed in this Court, the sentence be modified to that already undergone by the petitioner. He submits that the petitioner has already undergone two weeks imprisonment and the fine already stands deposited.

8. Per contra, learned State Counsel has opposed the prayer stating that the judgment of conviction and order of sentence deserve to be upheld.

9. I have considered the submissions made by learned counsel for the parties.

10(i). Concededly, FIR No.112 dated 21.09.1996 was registered under Sections 420, 468, 471, 467 IPC at Police Station Goindwal Sahib. The petitioner was put to trial and was convicted and sentenced vide judgment dated 06.02.2007. His appeal against the said decision was dismissed on 16.12.2008. Ever since then, his revision petition has been pending in this Court. The petitioner has faced the agony of trial and pendency of his appeal/revision etc. for the last almost 30 years. He has already undergone sentence of two weeks. There is no history of the petitioner being a previous offender. He is at an advanced age now and, therefore, no useful purpose would be served by sending him to custody at this stage.

10(ii). I have gone through the impugned judgments and on merits, I do not find any reason to interfere in them.

10(iii). However, keeping in view the totality of the facts and circumstances, while maintaining the judgment of conviction, the order of sentence is modified to that already undergone by the petitioner.

With the aforesaid modification, the present revision petition is disposed of.

Pending application(s), if any, shall stand disposed of accordingly.

24.07.2025

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(VIKRAM AGGARWAL)

JUDGE

Whether speaking/reasoned

Whether Reportable

Yes/No

Yes/No