



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

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1. **CRR No.821 of 2008 (O&M)**
Date of decision: August 26th, 2025

Nika Singh

.....Petitioner

Versus

State of Punjab

....Respondent

2. **CRR No.840 of 2008 (O&M)**

Mangat Ram

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ravi Kapur, Advocate
for the petitioner (in CRR-821-2008)
and as *Amicus Curiae* for the petitioner (in CRR-840-2008).

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J.

The present revision petitions have been filed assailing the order judgment of conviction and order of sentence dated 02.11.2006 passed by learned SDJM, Anandpur Sahib, as well as the judgment dated 23.04.2008 of the learned Lower Appellate Court affirming the said conviction and sentence.

2. As per office report, learned counsel for the petitioners were duly intimated about the date fixed, however, none has entered appearance on behalf of the petitioner in CRR-840-2008.

3. In view thereof, Mr. Ravi Kapur, Advocate, who is representing the petitioner in the connected petition, is appointed as *Amicus Curiae* in CRR-840-2008 to assist this Court on behalf of petitioner-Mangat Ram.

4. At the very outset, learned counsel appearing on behalf of the petitioners fairly submits that he does not wish to challenge or assail the findings of conviction recorded by the learned trial Court on merits. He instead confines his submissions exclusively to the quantum of sentence imposed upon the petitioners.

5. Learned counsel contends that the occurrence in question pertains to the year 1997. Ever since then, the petitioners have remained embroiled in protracted criminal proceedings, spanning a period of nearly 28 years. It is urged that the prolonged ordeal has itself caused severe mental, social, and financial hardship to the petitioners.

6. It is further submitted that the petitioner-Nika Singh has already undergone a substantive period of incarceration i.e. three months and five days and petitioner-Mangat Ram has undergone incarceration for 17 days out of the total sentence of two years imposed upon him by the learned trial Court. Therefore, it is prayed that in the peculiar circumstances of the case, this Court may take a lenient view in the matter of sentence. He further urges that considering the good conduct of the petitioners during the proceedings, the benefit of probation or, at least a substantial reduction of sentence be granted.

7. *Per contra*, learned State counsel has vehemently opposed the prayer for leniency. It is submitted that the allegations against the petitioners are grave and specific. The prosecution case, as established, is that the petitioners, while acting as truck drivers, were entrusted with the

transportation of 200 bags of urea for delivery at a designated location but, instead, dishonestly disposed of the same. Learned State counsel further points out that petitioner-Nika Singh stands implicated in two other cases of a similar nature. On these grounds, it is urged that the petitioners are not entitled to any indulgence or probationary relief, and the sentence imposed by the Courts below calls for no interference.

8. I have heard learned counsel for the parties and gone through the judgment of conviction passed by learned trial Court as well as the judgment of the learned Lower Appellate Court affirming the said conviction.

9. On a thorough appraisal, this Court finds that the conviction of the petitioners under Section 407 of the IPC has been properly recorded by the Courts below, and the findings do not suffer from any perversity, misappreciation of evidence, or illegality warranting interference.

10. The limited question that arises for consideration is, therefore, the quantum of sentence. It is not in dispute that the occurrence in question took place in the year 1997 i.e. nearly 28 years ago. Petitioner-Nika Singh has already undergone a substantial period of incarceration, quantified as three months and five days and petitioner-Mangat Ram has undergone incarceration for a period of 17 days. They have also endured the ordeal of prolonged criminal proceedings for more than two decades.

11. Taking into account the long passage of time, the period of imprisonment already suffered, and the overall circumstances of the case, this Court is of the considered view that the ends of justice would be adequately served by reducing the substantive sentence imposed upon the petitioners to the period already undergone, while simultaneously enhancing

the fine so as to balance the element of deterrence.

12. Accordingly, while affirming the conviction of the petitioners under Section 407 of the IPC, the sentence of rigorous imprisonment for two years, as awarded by the Courts below, is reduced to the period already undergone by them. There shall be no modification with regard to fine.

13. The revision petitions stand disposed of accordingly.

14. Pending applications, if any, stand disposed of.

August 26th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No