

2025:PHHC:038981



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

CRR-1495-2009(O&M)

Date of Decision:-21.03.2025

Shokat.

.....Petitioners.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Rajesh Lamba, Advocate for the Petitioner.

Mr. Dharam Pal, AAG Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The present revision petition has been filed impugning the judgment dated 26.05.2009 passed by Additional Sessions Judge, Fast Track Court, Nuh whereby the appeal filed against the judgment of conviction and order of sentence dated 18/20.02.2009 passed by Judicial Magistrate Ist Class, Ferozepur Jhirka has been dismissed.

2. The FIR in the present case came to be registered on 13.07.2004. The judgment of conviction was passed on 18/20.02.2009 by the Judicial Magistrate Ist Class, Ferozepur Jhirka. The Appeal filed against the order of conviction was dismissed on 26.05.2009 by the Additional Sessions Judge, Fast Track Court, Nuh. The instant revision petition was filed on 29.05.2009 and has come up for final hearing now i.e. after a period of 20 years from the date of registration of the FIR.

3. The brief facts of the prosecution case are that on 13.7.2004 ASI Prabhudayal alongwith police party was present at Barkali chowk. A secret information was received to the effect that Shoukat son of Sakoor, resident of village Chhapra, P.S. Pahari, District Bharatpur, Rajasthan used to give forged ravanna books and bill books showing the same to be issued by Rajasthan Government's Mining & Earth Science Department to the persons who stole stones and on the basis of those forged ravanna books and bill books, stones were being stolen from Haryana by showing that the same was being transported from Rajasthan authorized by the Government. Shokat was standing at Barkali Chowk. The accused was apprehended and was found in possession of a bag containing three forged ravanna books issued by Rajasthan Government, four stamps and other forged document duly stamped. The same were recovered from the possession of the accused which were taken into police possession. The ruqa was sent to the police station on which the case was registered against the accused. After completion of necessary investigation, challan was presented before the learned trial court.

4. The accused was charge sheeted under sections 420/467/468 of IPC by the trial court to which he pleaded not guilty and claimed trial.

5. In order to prove its case, prosecution examined ASI Prabhudayal as PW-1, Mukat Lal HC as PW-1, Mukat Lal HC as PW-2, Jafar son of Sardar Khan as PW-3, Pehlad Singh HC No. 1222 as PW-4 and Heera Lal constable No. 425 as PW-5.

6. The statement of the accused was recorded under section 313 Cr.P.C. was recorded wherein he denied each and every incriminating allegation leveled against him.

7. Based on the evidence led, the accused/petitioner came to be

convicted and sentenced by the court of Judicial Magistrate Ist Class, Ferozepur Jhirka vide judgment and order of sentence dated 18/20.02.2009 as under:-

Offence under Section	Sentence	Fine	RI/SI in default of payment of fine
Section 420 IPC	RI for 03 Years	Rs.10,000/-	RI for 90 Days
Section 467 IPC	RI for 03 Years	Rs.10,000/-	RI for 90 Days
Section 468 IPC	RI for 03 Years	Rs.10,000/-	RI for 90 Days

8. The accused/petitioner preferred an appeal which came to be dismissed by the Court of Additional Sessions Judge, Fast Track Court, Nuh, vide judgment dated 26.05.2009.

9. The aforementioned judgments are under challenge in the present petition.

10. During the pendency of the instant revision petition, the sentence of the accused/petitioner was suspended vide order dated 06.07.2009.

11. The learned counsel for the petitioner contends that the prosecution has failed to prove the ravanna books and bill books before the Trial Court as the property was not produced there. There are major contradictions in the statements of witnesses. The prosecution has failed to examine the material witnesses, namely, Sahil, Maksood and the mining officer. The prosecution has also failed to prove that the accused had cheated anyone or that he had prepared forged documents. He therefore prays that he be acquitted of the charges framed against him. In addition, he contends that in case this Court was to come to a finding that the prosecution had established its case beyond reasonable doubt, then keeping in view the fact that the occurrence was of the year 2004 and the case had come up for final hearing now after a gap of 20 years, the accused/petitioner may be released on probation or his sentence be reduced to the period already undergone by

him subject to payment of compensation.

12. The Counsel for the State on the other hand has placed on record the custody certificate dated 20.03.2025. He contends that the accused had prepared forged ravanna books and bill books showing them to be issued by the State Government, Rajasthan and in this way had helped those persons who were indulging in theft of stones from Haryana despite the ban on mining. As the prosecution had proved its case beyond reasonable doubt the present petition was liable to be dismissed.

13. I have heard counsel for the parties.

14. IO ASI Prahudayal when appeared into witness box as PW-4 has supported the prosecution case to the effect that on 13.7.2004 accused Shokat was apprehended on the basis of secret information and he was found in possession of fake bill books showing the same relating to ABC Minerals, receipts and Ravanna books showing the same issued by Rajasthan Govt. Mining department, which were taken into possession through recovery memo Ex. PW1/F. On 13.7.2004, the accused suffered his disclosure statement and according to disclosure statement got recovered fake Ravanna books relating to Rajasthan Government containing stamps of Mining Department and bill books relating to ABC minerals containing stamps of ABC minerals Pahari, Distt. Bharatpur, Rajasthan and bill books relating to Sahil Stone traders. Ex.PW1/G is the sample stamps Impression. Mark P1 to Mark P20 were photocopies of the documents recovered from the accused. Ex.PW/H is stamp Impression of ABC minerals and ZAFAR. The recovery of these fake documents is duly proved before the trial court by prosecution witnesses namely PW-1 ASI Prabhudayal. PW-2 Mukat Lal HC, PW-4 C. Parlhada Singh and PW-5 C. Heera Lal who have supported the prosecution version to the effect that accused was found in possession of Ravanna books

related to Rajasthan Mining Department and bill books ABC minerals and ZAFAR. It cannot be stated that the accused possessed these Ravanna books and bill books in the capacity of an employee of above said organizations because the accused was neither an employee of Rajasthan Mining Department and nor of the other minerals companies. The defence has failed to establish that how the accused came in possession of the bill books and Ravanna books of the Rajasthan Government’s Mining Department and other minerals traders. Thus, the commission of the offence stands established beyond reasonable doubt.

15. In view of the above discussion, I find no merit in the petition and the same stands dismissed.

16. As regards imposition of sentence, the occurrence pertains to the year 2004 and as many as 20 years have passed ever since then. A perusal of the custody certificate of the accused/petitioner would show that there is no other case of similar nature. Therefore the sentences imposed upon the accused/petitioner are reduced to the period already undergone by him i.e. 02 months and 22 days. They shall all run concurrently.

17. The present revision petition stands disposed of in the above terms.

(JASJIT SINGH BEDI)
JUDGE

March 21, 2025
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No