

CRR-687-2009 (O & M)
and other connected cases

2025:PHHC:020183



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(215)

Date of Decision: 11.02.2025

(1) CRR-687-2009 (O & M)

Deepak Chadha

... .Petitioner

Versus

Provident Fund Inspector

...Respondent

(2) CRR-688-2009 (O & M)

Deepak Chadha

... .Petitioner

Versus

Provident Fund Inspector

...Respondent

(3) CRR-689-2009 (O & M)

Deepak Chadha

... .Petitioner

Versus

Provident Fund Inspector

...Respondent

(4) CRR-690-2009 (O & M)

Deepak Chadha

... .Petitioner

Versus

Provident Fund Inspector

...Respondent

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(5) CRR-691-2009 (O & M)

Deepak Chadha

... .Petitioner

Versus

Provident Fund Inspector

...Respondent

(6) CRR-692-2009 (O & M)

Deepak Chadha

... .Petitioner

Versus

Provident Fund Inspector

...Respondent

(7) CRR-693-2009 (O & M)

Deepak Chadha

... .Petitioner

Versus

Provident Fund Inspector

...Respondent

(8) CRR-694-2009 (O & M)

Deepak Chadha

... .Petitioner

Versus

Provident Fund Inspector

...Respondent

(9) CRR-695-2009 (O & M)

Deepak Chadha

... .Petitioner

Versus

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Provident Fund Inspector

...Respondent

(10) CRR-696-2009 (O & M)

Deepak Chadha

... .Petitioner

Versus

Provident Fund Inspector

...Respondent

(11) CRR-697-2009 (O & M)

Deepak Chadha

... .Petitioner

Versus

Provident Fund Inspector

...Respondent

(12) CRR-698-2009 (O & M)

Deepak Chadha

... .Petitioner

Versus

Provident Fund Inspector

...Respondent

(13) CRR-699-2009 (O & M)

Deepak Chadha

... .Petitioner

Versus

Provident Fund Inspector

...Respondent

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(14) CRR-700-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

(15) CRR-701-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

(16) CRR-702-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

(17) CRR-703-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

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(18) CRR-704-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

(19) CRR-706-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

(20) CRR-707-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

(21) CRR-708-2009 (O & M)

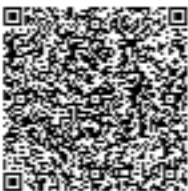
Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

CRR-687-2009 (O & M)
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(22) CRR-709-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

(23) CRR-710-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

(24) CRR-711-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

(25) CRR-712-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

CRR-687-2009 (O & M)
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(26) CRR-713-2009 (O & M)

Deepak Chadha
... .Petitioner

Versus

Provident Fund Inspector
...Respondent

(27) CRR-714-2009 (O & M)

Deepak Chadha
... .Petitioner

Versus

Provident Fund Inspector
...Respondent

(28) CRR-715-2009 (O & M)

Deepak Chadha
... .Petitioner

Versus

Provident Fund Inspector
...Respondent

(29) CRR-716-2009 (O & M)

Deepak Chadha
... .Petitioner

Versus

Provident Fund Inspector
...Respondent

CRR-687-2009 (O & M)
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(30) CRR-717-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

(31) CRR-718-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

(32) CRR-719-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

(33) CRR-720-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

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(34) CRR-721-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

(35) CRR-722-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

(36) CRR-723-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

(37) CRR-724-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

CRR-687-2009 (O & M)
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(38) CRR-725-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

(39) CRR-726-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

(40) CRR-727-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

(41) CRR-728-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

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(42) CRR-729-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

(43) CRR-730-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

(44) CRR-731-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

(45) CRR-732-2009 (O & M)

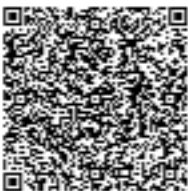
Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

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(46) CRR-733-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

(47) CRR-734-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

(48) CRR-735-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

(49) CRR-736-2009 (O & M)

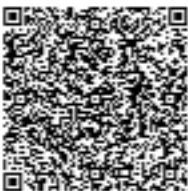
Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

CRR-687-2009 (O & M)
and other connected cases

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(50) CRR-737-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

(51) CRR-738-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

(52) CRR-739-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

(53) CRR-740-2009 (O & M)

Deepak ChadhaPetitioner

Versus

Provident Fund Inspector ...Respondent

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(54) CRR-741-2009 (O & M)

Deepak Chadha

... .Petitioner

Versus

Provident Fund Inspector

...Respondent

(55) CRR-742-2009 (O & M)

Deepak Chadha

... .Petitioner

Versus

Provident Fund Inspector

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Harsh Aggarwal, Advocate,
for the petitioner in all the revision petitions.

Mr. Rajesh Hooda, Advocate,
for the respondent-Department in all the revision petitions.

JASJIT SINGH BEDI, J.

This order shall dispose of a bunch of 55 revision petitions as they arise out of similar transactions and pertain to the same accused.

2. The present revision petitions have been filed impugning the judgments dated 12.03.2009 passed by Additional Sessions Judge,



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Rupnagar, whereby the separate appeals filed against the judgments of conviction and orders of sentence dated 06.07.2006, 17.01.2007 and 26.02.2007 respectively either passed by the Judicial Magistrate Ist Class, Ropar or Chief Judicial Magistrate, Ropar have been dismissed.

3. Separate complaints in the present cases came to be instituted in the year 2003. The judgments of conviction and orders of sentence dated 06.07.2006, 17.01.2007 and 26.02.2007 respectively, were either passed by the Judicial Magistrate Ist Class, Ropar or Chief Judicial Magistrate, Ropar. The appeals filed against the aforesaid judgments of conviction and orders of sentence were dismissed on 12.03.2009 by the Court of the Additional Sessions Judge, Rupnagar. The instant revision petitions were filed on 20.03.2009 and have come up for final hearing now i.e. after a period of 22 years from the date of institution of the complaints.

4. For the sake of convenience, the facts are being taken from the case CRR-687-2009.

5. The brief facts of the case are that 55 criminal complaints were instituted by the respondent under Para 38 of the Employees' Provident Fund Scheme, 1952 read with Section 6, 14(1A) and Section 14-A of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 against the petitioner for the alleged non-deposit of contribution/subscription under various schemes of the aforesaid Act.

6. The petitioner was convicted under Section 14(1A) (b) read with Section 14-A of the Employees' Provident Fund and Miscellaneous



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Provisions Act, 1952 and sentenced to undergo rigorous imprisonment for a period of 01 year and to pay a fine of Rs.5,000/- and in default of payment of fine to further undergo simple imprisonment for a period of one month in each case.

7. These judgments of conviction and orders of sentence were upheld in 55 appeals by the Court of the Additional Sessions Judge, Rupnagar vide a judgement dated 12.03.2009.

8. The aforementioned judgments are under challenge before this Court in these revision petitions.

9. During the pendency of the present revision petitions, the sentence of the petitioner was suspended by this Court.

10. The learned counsel for the petitioner has filed an affidavit of the petitioner dated 10.02.2025 today in Court, which is taken on record. He states that the petitioner does not wish to challenge his conviction but he may be released on probation as he has already undergone civil imprisonment of six months i.e. w.e.f. 19.05.2006 to 18.11.2006 pursuant to recovery notices issued by the Regional Provident Fund Commissioner and additionally, he has undergone rigorous imprisonment of four and a half months pursuant to his conviction in these complaints. He is of the age of 76 years and suffering from various ailments because of which he is confined to the bed. He is ready and willing to deposit the total fine amount of Rs.2,75,000/- i.e. fine amount of Rs.5,000/- in each of the 55 criminal revision petitions.



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11. The learned counsel for the respondent, however, contends that the petitioner does not deserve any sympathy having been convicted in 55 different criminal complaints but concedes that the petitioner has already undergone civil imprisonment of six months and rigorous imprisonment of four and a half months.

12. I have heard the learned counsel for the parties.

13. Section 14 of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 is reproduced as hereinbelow:-

14. Penalties. —

(1) Whoever, for the purpose of avoiding any payment to be made by himself under this Act ,[the Scheme [the [Pension Scheme or the Insurance Scheme]] or of enabling any other person to avoid such payment, knowingly makes or causes to be made any false statement or false representation shall be punishable with imprisonment for a term which may extend to [one year, or with fine of five thousand rupees, or with both].

[(1A) An employer who contravenes, or makes default in complying with, the provisions of section 6 or clause (a) of subsection (3) of section 17 in so far as it relates to the payment of inspection charges, or paragraph 38 of the Scheme in so far as it relates to the payment of administrative charges, shall be punishable with imprisonment for a term which may extend to [three years], but—

(a) which shall not be less than [one year and fine of ten thousand rupees in case of default in payment of the employees' contribution which has been deducted by the employer from the employees' wages;



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(b) which shall not be less than six months and a fine of five thousand rupees, in any other case]:

Provided that the court may, for any adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a lesser term.

[(1B) An employer who contravenes, or makes default in complying with, the provisions of section 6C, or clause (a) of sub-section (3A) of section 17 in so far as it relates to the payment of inspection charges, shall be punishable with imprisonment for a term which may extend to [one year] but which shall not be less than [six months] and shall also be liable to fine which may extend to [five thousand rupees]:

Provided that the court may, for any adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a lesser term.

(2) Subject to the provisions of this Act, the Scheme, [the [Pension] Scheme or the Insurance Scheme] may provide that any person who contravenes, or makes default in complying with, any of the provisions thereof shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to four thousand rupees, or with both].

(2A) Whoever, contravenes or makes default in complying with any provision of this Act or of any condition subject to which exemption was granted under section 17 shall, if no other penalty is elsewhere provided by or under this Act for such contravention or non-compliance, be punishable with imprisonment which may extend to [six months, but which shall



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not be less than one month, and shall be liable to fine which may extend to five thousand rupees].]

14. This Court in the case of '**M/s Manohar Lal Raj Kumar BKO and another versus Enforcement Officer**' held as under:-

This revision petition is filed by the revisionist- petitioners against the judgment dated 21.12.2010 passed by learned Sessions Judge, Sri Muktsar Sahib, as well as judgment dated 24.12.2009 passed by the learned Chief Judicial Magistrate, Muktsar, whereby petitioner is convicted under Section 14(1) (A) (b) of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 and he was sentenced to undergo SI for a period of six months and fine of Rs.5000/- and in default of payment of fine to further undergo SI for a period of one month.

Learned counsel for the petitioner has stated that he does not want to press the conviction and sentence awarded by the Courts below. He has further argued that since total period of sentence is six months and the petitioner is first time offender, hence, he may be released on probation under the Probation of Offenders Act, 1958.

Considering totality of the facts and circumstances of the case, while maintaining the conviction of the petitioner, the present petition is disposed of with the direction that petitioner be released on probation under Section 4(1) of the Probation of Offenders Act, 1958, for a period of one year on furnishing his personal bond and undertaking with one surety to the satisfaction of the learned Trial Court that he will keep peace and be of good behaviour. In case he is found to be indulged in



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such like illegal activities, sentence awarded by the Courts below shall stand revived automatically.

With above mentioned modification, this revision petition stands disposed of.

15. A perusal of Section 14 would show that for adequate and special reasons to be recorded in the judgment, a lesser sentence can be imposed. In the instant case, the petitioner is of the age of 76 years and suffers from various ailments because of which he is totally confined to bed. The complaints came to be instituted in the year 2003 after which the petitioner was convicted and his appeals were dismissed leading to the filing of the instant revisions petitions. As such, he has suffered the vagaries of the Trial and legal proceedings emanating therefrom for the last 22 years. As per the affidavit dated 10.02.2025, the petitioner has undergone civil imprisonment of 06 months and rigorous imprisonment of four and a half month under the present complaints, a fact which has not been controverted by the learned counsel for the respondent. Additionally, a demand draft bearing No.001544 dated 10.02.2025 for a sum of Rs.2,75,000/- in favour of the respondent-Regional Provident Fund Commissioner, Chandigarh has been handed over to the learned counsel for the respondent. A photocopy thereof is attached with the aforesaid affidavit of the petitioner. Therefore, sending the petitioner back into custody after 22 years of the complaints having been filed to serve out his remaining sentences would be an exercise in futility and grossly unfair.

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16. Considering the aforementioned facts and circumstances of the present case, while maintaining the conviction of the petitioner, the present revision petitions are disposed of with the directions that the petitioner be released on probation for a period of one year in each case under Section 14(1A) and Section 14-A of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 subject to the conditions imposed by the Trial Court.

17. The present revision petitions stand disposed of in the above terms alongwith the pending applications, if any.

18. A photocopy of this order be placed on the files of the connected cases.

(JASJIT SINGH BEDI)
JUDGE

February 11, 2025
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No