

2025:PHHC:062681



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

CRR-1343-2010(O&M)

Date of Decision:-13.05.2025

Abbas @ Mohd. Abbas.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

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

Present:- Mr. Sunil Panwar, Advocate for the Petitioner.

Mr. Viney Phogat, Deputy Advocate General, Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The present revision petition has been filed impugning the judgment dated 21.04.2010 passed by Additional Sessions Judge, FTC, Nuh whereby the appeal filed against the judgment of conviction and order of sentence dated 12/13.03.2007 passed by Sub Divisional Judicial Magistrate, Ferozepur Jhirka has been dismissed.

2. The FIR in the present case came to be registered on 25.05.1996. The judgment of conviction and order of sentence was passed on 13/13.03.2007 passed by Sub Divisional Judicial Magistrate, Ferozepur Jhirka. The Appeal filed against the order of conviction was dismissed on 21.04.2010 by the Additional Sessions Judge, FTC, Nuh. The instant revision petition was filed on 14.05.2010 and has come up for final hearing now i.e. after a period of more than 29 years from the date of registration of the FIR.

3. In brief, the facts of the prosecution case are that on 25.5.1996, Jhabru alias Chander filed an application to SHO, P.S. F.P. Jhirka on the ground that Umar Mohammad son of Noor Mohammad had mortgaged his (complainant's) land with the Primary co-operative Agriculture Development Bank, F.P. Jhirka for obtaining a loan of Rs. 90,000/-. The photographs of Umar Mohammad were filed on the loan application whereas the loan was issued in the name of the complainant Jhabru. Loan documents were signed by Numberdar Noor Mohammad and Farrukh son of Rujdar were shown as witnesses on mortgage deed. On enquiry, he came to know that Umar Mohammad etc. want to grab his property. The Complainant requested for legal action against the accused Umar Mohammad, Noor Mohammad and other accused. On the basis of this application, the present case was registered against the accused. Site plan was prepared. Statement of prosecution witnesses were recorded. The Accused were arrested. After completion of the investigation, challan was presented in the Trial Court.

4. The accused were charge sheeted under Sections 419/420/467/120B of IPC by the Trial Court to which they pleaded not guilty and claimed trial.

5. In order to prove its case, the prosecution examined Jhabru as PW-1, Hanumand Singh as PW-2, Akhtar Hussain as PW3, Aas Mohammad as PW-4, ASI Kanhaiya Lal as PW-5 and SI Vidya Nand as PW-6.

6. Statement of the accused were recorded under Section 313 Cr.P.C. wherein they denied each and every incriminating allegations levelled against them.

7. Based on the evidence led, the accused/petitioners came to be convicted and sentenced by the court of Sub Divisional Judicial Magistrate,

Ferozpur Jhirka vide judgment and order of sentence dated 12/13.03.2007
as under:-

Offences under Section	Sentence	Fine
Section 420 r/w 120-B IPC	RI for 01 Year	Rs.500/-
Section 467 r/w 120-B IPC	RI for 02 Years	Rs.500/-

In default of payment of fine the accused/petitioner shall
undergo RI for 10 days.

Both the aforesaid sentences were ordered to run concurrently.

8. The accused/petitioner along with his co-accused preferred an
appeal which came to be dismissed by the Court of Additional Sessions
Judge, FTC, Nuh, vide judgment dated 21.04.2010.

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

10. During the pendency of the instant revision petition, the
sentence of the accused/petitioner was suspended vide order dated
09.07.2010.

11. The Counsel for the accused/petitioner at the very outset
submits that he does not wish to challenge his conviction but prays that the
sentence of the petitioner be reduced to the period already undergone as the
occurrence had taken place in the year 1996 and the matter has come up for
hearing now after more than 29 years.

12. The Counsel for the State on the other hand has placed on
record the custody certificate dated 09.05.2025. He contends that the
allegations against the petitioner are grave in as much as he is stated to have
signed the forged mortgage deed as an attesting witness. Further the
revision petition preferred by Ummar Mohd. stands dismissed. He thus
prays that the petitioner is not entitled to any sympathy and the petition be
dismissed.

13. I have heard counsel for the parties.
14. As per the prosecution case the petitioner is an attesting witness to a mortgage deed. He is not the beneficiary in any manner. The main accused Umar Mohd had approached this Court by way of CRR 223 of 2015 and the said petition came to be dismissed on 23.02.2015. Be that as it may, as the petitioner is not a beneficiary the matter has been taken up after more than 29 years from the date of registration of the FIR and he is first time offender, I deem it appropriate to reduce the substantive sentence of the petitioner to the period already undergone by him i.e. 02 months and 22 days. The sentence of fine and sentence in default of payment of fine shall remain intact.
15. The present revision petition stands disposed of in the above terms.

(JASJIT SINGH BEDI)
JUDGE

May 13, 2025
Vinay

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