

2025:PHHC:000771



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

CRR 1079 of 2012

Date of Decision: 07.01.2025

Rakesh Kumar

...Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. K.S. Sidhu, Senior Advocate with
Mr. A.S. Sidhu, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The present revision petition has been preferred against the impugned judgment dated 26.03.2012 passed by the Court of Sessions Judge, Ambala and the judgment dated 14.07.2010 and order dated 15.07.2010 passed by the Judicial Magistrate 1st Class, Ambala City, whereby, the petitioner was convicted for the offences punishable under Sections 420, 468 and 471 IPC and was sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.750/- and in default of payment of fine, to further undergo imprisonment for period of three months for the offence punishable under Section 420 of IPC; to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.750/- and in default of payment of fine, to further undergo imprisonment for

a period of three months for the offence punishable under Section 468 of IPC and to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.500/- and in default of payment of fine, to further undergo imprisonment for a period of two months for the offence punishable under Section 471 of IPC.

2. At the very outset, learned senior counsel appearing on behalf of the petitioner submits that he does not wish to challenge the judgment of conviction recorded against the petitioner, however, some leniency may be shown while awarding the sentence to him. Even though, the petitioner has preferred not to challenge the judgment of conviction, still, this Court has considered the case on its merits.

3. The prosecution case was initiated on a letter dated 22.03.2000, which was received by the Office of the Deputy Commissioner cum Returning Officer, Ambala from the State Election Commissioner, Haryana. The City Magistrate, Ambala, was appointed as Inquiry Officer and it was found that the present petitioner had given affidavits about his different castes at different times with the attestation from an Ex-Councillor and had got issued caste certificates accordingly. The letter was accompanied with the inquiry report, the report of the Sub Divisional Officer, relevant certificates, application of the petitioner and his affidavits. Ultimately, on the basis of the said complaint, the FIR was ordered to be

registered against the petitioner. During the course of investigation, the specimen signatures of the petitioner were obtained and sent to FSL Madhuban for comparison.

4. After completion of the investigation, the challan was filed against the petitioner. The trial Court found that a *prima facie* case against the petitioner under Sections 420, 468 and 471 IPC, to which, he pleaded not guilty. In support of the prosecution case, the prosecution had examined 07 witnesses. The statement of the petitioner was recorded under Section 313 Cr.P.C. and he pleaded his false implication.

5. During the trial, the petitioner opted not to lead the evidence in the present case.

6. Prosecution in support of its case, has examined HC Prem Singh as PW1, ADC Smt. Renu Phoolia as PW2, Sh. Ranjit Kumar as PW3, Sh. Tarun Bhardwaj as PW4, Sh. Sudhir Jaiswal as PW5, Sh. Heera Lal Yadav as PW6 and EHC Madan Lal as PW7 and thereafter, the prosecution evidence was closed.

7. In the present case, from a perusal of the statement of PW2 Smt. Renu Phoolia, Additional Deputy Commissioner, PW5 Sudhir Jaiswal and PW6 Heera Lal Yadav, the offence against the present petitioner stood proved. The petitioner had given false affidavits regarding his castes and got issued Scheduled Caste Certificate and Backward Class Certificate and, thus, he had cheated

the State authorities. PW2 Smt. Renu Phoolia, Additional Deputy Commissioner, clearly stated that on the application of the petitioner, Scheduled Caste Certificate Ex.PW2/C and Backward Class Certificate Ex.PW2/F were issued from her office and the said allegations were found to be correct during the inquiry by the City Magistrate, Ambala. Similarly, PW5 Sudhir Jaiswal, who was the councillor in the area of the petitioner stated that the petitioner had approached him with the application for issuance of the Backward Class Certificate and he had given his attestation certificate as per his affidavit Ex.PW2/E. Similarly, PW6 Heera Lal Yadav stated that on 22.09.1999, the petitioner had approached him with an application form for issuance of Scheduled Caste Certificate and he gave his attestation certificate Mark A and the petitioner had signed the application form in Hindi in his presence. Similarly, PW3 Ranjit Kumar, Court Clerk, SDM, Office, made a categorical statement that Scheduled Caste Certificate Ex.PW2/C was issued from their office, on the basis of fake documents. The petitioner was duly identified before the Court by PW5 Sudhir Jaiswal and PW6 Heera Lal Yadav. Even during the course of inquiry, the allegations were found to be correct. The FSL report further proved that the caste certificates were got issued by the petitioner fraudulently from the authorities. Thus, the petitioner has been rightly held guilty for commission of the offence punishable under Sections 420, 468 and 471 IPC.

8. Now adverting to the sentence imposed on the present petitioner, this Court is conscious of the fact that the FIR in the present case was registered on 25.03.2000 and it is apparent that the petitioner is facing the agony of trial/appeal/revision since last more than 24 years and 09 months. Even, the caste certificates, which were allegedly issued to the petitioner were used by him in the year 2000. The petitioner was aged about 30 years at the time of the occurrence and at present, he is aged about 55 years and is the sole bread earner for the family. Even otherwise, as per the custody certificate, the petitioner has already undergone more than 02 months of sentence. Apart from that, in the last about 25 years, the petitioner was not involved in any other criminal case and this court is of the considered opinion that a lenient view can be taken while imposing sentence on the petitioner. Thus, the sentence imposed on the petitioner is reduced to the period already undergone by him. However, the amount of fine imposed on him is enhanced to Rs. 20,000/- which shall be deposited by the petitioner in Punjab and Haryana High Court Bar Clerks Association within a period of three months from today. In case, the said amount is not deposited, the present petition shall be deemed to be dismissed.

9. With the above modifications, the present revision is partly allowed and the impugned judgments of conviction are upheld, whereas the order of sentence is modified to the extent that

the sentence imposed on the present petitioner is reduced to the period already undergone by him. However, the amount of fine is enhanced to Rs. 20,000/-, which shall be deposited by him within a period of three months from today with the Punjab and Haryana High Court Bar Clerks Association, failing which, the present petition shall be deemed to be dismissed.

10. All pending applications, if any, are disposed off, accordingly.

11. Records of the trial Court be sent back.

07.01.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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