

2025-PHHC-037248-DB



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRR-2795-2009

Date of Decision:- 19.03.2025

SANWAL RAM

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

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

Present:- Mr. Rahul Bansal, Amicus Curiae
for the petitioner.

Mr. Vinay Phogat, Asstt. A.G., Haryana.

JASJIT SINGH BEDI, J.

The present revision petition has been filed impugning the judgment dated 15.10.2009 passed by the Addl. Sessions Judge, Narnaul whereby the appeal filed against the judgment of conviction and order of sentence dated 28.03.2007 passed by the Chief Judicial Magistrate, Narnaul Sahib has been dismissed.

2. The FIR in the present case came to be registered on 02.10.1986. The judgment of conviction was passed on 28.03.2007 by the Chief Judicial Magistrate, Narnaul. The appeal filed against the order of conviction was dismissed on 15.10.2009 by the Addl. Sessions Judge, Narnaul. The instant revision petition was filed on 28.10.2009 and has come up for final hearing now i.e. after a period of more than 39 years from the date of registration of the FIR.

3. Briefly stated the allegations of this case were that complainant Data Ram had filed a criminal complaint on 24.09.1986 alleging therein that his

on behalf of Dev Sahai and got it registered from the Sub Registrar by producing some other person before him and they were now trying to take benefit of that forged Will and claiming right in the property left by Devi Sahai. The complaint was sent to the police under Section 156(3) Cr.P.C. upon which the police registered this case under Sections 420/465/468/416/417 and 120-B IPC against all the accused. A civil suit bearing No.1181 of 1986 titled Data Ram deceased through LRs Siri Chand etc. Vs. Smt. Budhi Devi (deceased) through her LRs Sanjiv etc. was also filed alleging therein that the Will registered at Sr. No.31 dated 30.07.1986 alleged to be executed by Dev Sahai since deceased in favour of Smt. Budhi Devi was forged, fabricated and is a result of fraud. After completion of investigation, challan was filed in the Court against the accused.

4. During the proceedings, Sultan Singh was discharged and Budhi Devi died.
5. The accused/petitioner came to be convicted and sentenced by the Court of Chief Judicial Magistrate, Narnaul vide judgment and order of sentence dated 28.03.2007 as under:-

Offence under Section	Sentence RI/SI	Fine	RI/SI in default of payment of fine
467 IPC	SI for 05 years	Rs.500/-	SI for 03 months
120-B IPC	SI for 02 years	Rs.200/-	SI for 01 month

Both the sentences were ordered to run concurrently.

6. The accused/petitioner preferred an appeal which came to be dismissed by the Court of Addl. Sessions Judge, Narnaul vide judgment dated 15.10.2009 but the sentence was modified as under:-

Offence under Section	Sentence RI/SI (reduced to)	Fine	RI/SI in default of payment of fine
467 IPC	SI for 02 years	Rs.500/-	SI for 03 months
120-B IPC	SI for 06 months	Rs.200/-	SI for 03 months

Both the sentences were ordered to run concurrently.

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

8. During the pendency of the instant revision petition, the sentence of the accused/petitioner was suspended vide order dated 13.01.2010.

9. The learned Amicus Curiae for the accused/petitioner contends that in collateral civil proceedings it has been found that the Will in question was genuine. The accused Sanwal Ram was only an attesting witness and not a beneficiary thereto Budhi Devi the beneficiary had passed away. Therefore, the impugned judgment was liable to be set aside. In the alternative, he prays that the FIR was registered on 02.10.1986. The accused/petitioner was now of the age of approximately 88 years. He had undergone 03 months and 06 days out of sentence awarded of 02 years. Therefore, the sentence of the accused/petitioner may be reduced to the period already undergone by him.

10. On the other hand, the learned State counsel contends that the offence stands established beyond reasonable doubt. The findings of a Civil Court were not binding on a criminal court. Therefore, the present petition was liable to be dismissed. He, however, concedes that the accused/petitioner had undergone 03 months and 06 days out of the awarded sentence of 02 years and that he was of the age of 88 years.

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

12. While, it is true that in civil proceedings regarding the Will in question, it has been found that Smt. Budhi Devi was the only daughter of late Shri Dev Sahai who had executed the Will in her favour. However, the findings of a Civil Court are not binding upon a Criminal Court. Even otherwise, the report of the FSL establishes that the signatures were forged on the Will.

13. In view of the above discussion, I find no infirmity in the judgments of the Trial Court as well as of the Lower Appellate Court.

Therefore, the present revision stands dismissed.

14. As regards imposition of sentence, it may be pointed out that the petitioner/accused is currently of the age of approximately 88 years. He is not a beneficiary of the forgery. He is also a first-time offender as is apparent from his custody certificate. Therefore, while upholding his conviction, I deem it appropriate to reduce the sentence of the accused/petitioner to the period already undergone by him i.e. 03 months and 06 days.

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

(JASJIT SINGH BEDI)
JUDGE

19.03.2025

Jitesh

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