

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

2025:PHHC:031636



(223)

CRR-4249-2017(O&M)
Date of Decision: 01.03.2025

Bal Krishan

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present:- Mr. Manpreet Singh, Advocate, *Amicus Curiae*
for petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL.J (Oral)

At the request of learned counsel for the petitioner, main case is taken up on Board today itself for disposal.

The present revision petition is directed against the order dated 09.09.2014 passed by learned JMIC, Gurdaspur, whereby petitioner has been convicted for an offence punishable under Section 471 IPC and sentenced to undergo RI for a period of 2 years. Further challenge is to the judgement dated 25.10.2017 passed by learned Additional Sessions Judge, Gurdaspur, whereby the findings of learned Trial Court have been affirmed and order dated 09.09.2014, has been upheld.

The case as set up by the prosecution may be summed up as thus:-

The present case arises from an FIR No.53 dated 26.07.2007 registered under Sections 420, 467, 468, 471 IPC at Police Station, Purana

Shalla based on a formal complaint filed by Nirmal Singh, the officiating

Principal of Y.R.B.N Govt. school, District Gurdaspur. The complainant alleged that the school owned agricultural land measuring 61 kanals and 18 marlas, which was auctioned annually, with the proceeds being deposited into the account of the Govt.

For the year 2006-07, the auction was conducted on 10.05.2006, wherein the petitioner emerged as the highest bidder and took the land on lease for one year for a sum of Rs.8300/-. A written receipt evidencing the lease was signed by the petitioner and one Saroj Bala. However, it came to light that the petitioner, with dishonest intent, had inserted an additional line in the receipt after obtaining the requisite signatures, falsely stating that the land was leased for 3 years instead of 1 year.

Subsequently, the petitioner initiated a civil suit for an injunction against the school and the Punjab Govt. relying on the altered receipt. An ex-parte injunction was granted in his favour, however, upon appearance and contest by the Principal of the school, the injunction was vacated.

The Trial Court, after evaluating the evidence, convicted the petitioner for offence under Section 471 IPC and sentenced him to RI for 2 years vide judgement dated 09.09.2014. The Appellate Court upheld the conviction vide judgement dated 25.10.2017.

Submissions by the learned *Amicus Curiae* for the petitioner

Learned *Amicus Curiae* appearing for the petitioner contends that the prosecution has failed to prove the alleged forged auction receipt, as the original document was neither produced nor exhibited during the trial.

He submits that the false implication of the petitioner is evident from the

fact that Saroj Bala, the then Principal and co-signatory of the auction receipt, was not examined by the prosecution.

It is further argued that the alleged forgery was never subjected to expert examination and the prosecution merely marked the receipt as Mark-A instead of properly proving its execution. Additionally, the petitioner was acquitted of the charge under Section 468 IPC, which deals with forgery for the purpose of cheating. Therefore, his conviction under Section 471 IPC for using a forged document is legally unsustainable.

Learned Amicus Curiae has also referred to para 29 of the judgment passed by the Trial Court, which as per him, acknowledges that the prosecution failed to prove that the receipt dated 10.05.2006 was forged by the petitioner. A prayer has, therefore, been made for setting aside the impugned order and allowing the instant revision petition. In the alternative a prayer has been made for reduction of the sentence to the period already undergone.

Submissions on behalf of the State

Learned State counsel, while opposing the instant petition, reiterates the case of the prosecution that the petitioner used a forged receipt to obtain an ex-parte injunction from the civil court, though, the injunction was later vacated. He submits that even if the petitioner did not personally forged the document, he knowingly used it despite being aware of its forged nature.

I have carefully considered the submissions made by learned counsel for the parties and perused the material available on record.

Findings of this Court

The conviction of the petitioner under Section 471 IPC has

been upheld by the learned Appellate Court. The evidence on record substantiates the finding that the petitioner was granted the lease for only one year but he fraudulently inserted an additional line in the auction receipt to extend the tenure to 3 years. He then used his altered document in civil proceedings, securing an ex-parte injunction, which was subsequently vacated. This sequence of events proves that the petitioner knowingly used a forged document to his advantage in judicial proceedings.

This Court does not find any perversity much less infirmity in the impugned judgement which is accordingly upheld.

An alternate prayer has been made by the learned *Amicus Curiae* for the leniency on the ground that the petitioner is a first time offender and has not been involved in any other criminal case since the registration of the present FIR. It is submitted that he has already undergone 4 months and 23 days out of the 2 years sentence awarded to him.

Considering the totality of circumstances, including the passage of 18 years since the crime in question and in view of the fact that there is no record of the petitioner having been involved in any other criminal activity, this Court is of the opinion that the ends of justice would be met by modifying the sentence awarded to the petitioner. Accordingly, while maintaining the conviction under Section 471 IPC, the substantive sentence of 2 years RI is reduced to the period already undergone.

The revision petition is disposed of in the above terms.

Pending application(s), if any, shall also stand disposed of.

(MANJARI NEHRU KAUL)
JUDGE

01.03.2025

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No