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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ CRL.REV.P. 717/2018 & CRL.M.A. 30536/2018, CRL.M.(BAIL) 1314/2018

MUMTAZ ALI SIDDIQUI & ANR .....Petitioners

Through: Mr. Sunil Lalwani, Advocate.

versus

THE STATE (NCT OF DELHI) & ANR .....Respondent

Through: Mr. Aashneet Singh, APP for State.
Inspector Ramkesh, P.S. EOW.
Mr. Tanveer Ahmed Ansari, Advocate for R-2.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **10.11.2025**

1. The present petition under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973[1] is directed against judgement dated 28th April, 2018, passed by the ASJ, Central District, Tis Hazari Courts, in Crl. Appeal No. 54775/2016, upholding the judgement of conviction dated 19th December, 2014 and order on sentence dated 14th January, 2015 passed by the Trial Court.

2. The facts, in brief, are as follows:

2.1. The Petitioners, in 1990, constituted a partnership firm, namely, M/s Raj Metals and approached the Punjab National Bank (Complainant/Respondent No. 2) for a term loan and cash credit facility for the purported purchase of machinery.

2.2. Respondent Bank sanctioned a term loan of ₹7.05 lakhs, credit facility up to ₹10 lakhs, DD (clean) up to ₹1.5 lakhs, and CC (book debt) up to ₹2 lakhs, with the collateral being immovable property owned by the Petitioners. The Petitioners allegedly submitted fabricated receipts showing an advance payment of ₹2.5 lakhs to one M/s King Engineering Works. Relying on these representations, Respondent No. 2 issued a cash order of ₹7,06,000/- in favour of M/s King Engineering Works. It was subsequently revealed that the amount was siphoned off by the Petitioners; it was deposited and withdrawn by Petitioner No. 1 through an account fraudulently opened by him in the name of M/s King Engineering Works, at the same address where M/s Raj Metals was shown to be situated.

3. It was further revealed that Petitioner No. 2, along with one Ram Ratan, had earlier obtained similar credit facilities from the Indian Overseas Bank, Safdarjung Enclave, under another firm named M/s Waris Metals, also operating from the same premises. These facts were deliberately concealed by the Petitioners while applying for loan. Both M/s Raj Metals and M/s Waris Metals operated from the same rented premises under identical tenancy documents, and that the Petitioners had fabricated and misused documents to fraudulently obtain the sanctioned facilities. The bills submitted for machinery purchase were also found to be bogus, and no machinery was ever purchased. On the basis of this complaint filed by Respondent No. 2, FIR No. 86/1993 was registered under Sections 420, 468, 471, 406, and 120B of the Indian Penal Code, 1860.[2]

4. The Trial Court, on a perusal of the evidence on record, found that

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[1] "Cr.P.C."

[2] "IPC"

both accused, acting in conspiracy, submitted forged documents to fraudulently secure the loan and later siphoned the funds through a fictitious account opened by Petitioner No. 1. By judgement dated 19th December, 2014, they were convicted under Sections 420, 468, and 471 read with Section 120-B IPC and sentenced to undergo simple imprisonment for a period of five years for the offence under Section 420, along with file of ₹10,000/- each; simple imprisonment for a period of four years for the offence under Section 468 IPC, along with fine on ₹10,000/- each; and simple imprisonment for a period of three years for the offence under Section 471 IPC, along with file of ₹5,000/- each. The Petitioners were also awarded simple imprisonment for a period of 6 months in case of default in payment of fine. All the sentences were directed to run concurrently.

5. The said appeal against the aforenoted order was dismissed by the impugned judgement dated 28th April, 2018.

6. Both courts have duly considered the evidence on record and rendered concurrent, well-reasoned findings of guilt against the Petitioners. Hence, no ground for interference with the conviction is made out.

7. Petitioner No. 1 has expired during the pendency of the present proceedings, as verified by the State; the proceedings against him stand abated. Mr. Sunil Lalwani, counsel for the Petitioner No. 2, submits that Petitioner No. 2 does not seek to challenge the conviction on merits. He prays that the sentence awarded to them be modified to the period already undergone. It is submitted that the alleged incident pertains to the year 1990, and that he has already undergone the ordeal of a protracted criminal trial spanning over several decades. Petitioner No. 2, now aged about 61 years, is a senior citizen suffering from multiple ailments and is the sole earning member of his family. His wife, who is also unwell, is dependent on him for

support and care. In view of these mitigating circumstances, it is prayed that the sentence imposed upon Petitioner No. 2 be reduced to the period already undergone.

8. Mr. Aashneet Singh, APP for the State, opposes the request for reduction of sentence on the ground that the offence committed involves a deliberate act of financial fraud and deception causing loss to a bank. It is contended that the gravity of the offence and the element of conspiracy outweigh the personal circumstances pleaded by Petitioner No. 2, and therefore, no leniency in sentence is warranted.

9. The Court has considered the submissions advanced on behalf of the Petitioners. As noted, Petitioner No. 2 is a senior citizen suffering from multiple ailments and is the sole earning member of his family, which includes his ailing wife who is dependent on him for support. It is further noted that the Petitioners have already settled the outstanding dues (amounting ₹12,00,000/-) with the Respondent Bank through a One Time Settlement dated 25th July, 2018, annexed with the petition. This fact is confirmed by Respondent Bank as recorded on 18th September, 2025, affirming that there are no further dues.

10. As per the latest nominal roll, as on 6th November, 2025, Petitioner No. 2 has undergone 4 months and 28 days and had also earned remission of 9 days. The nominal roll indicates that Petitioner No. 2 has no other criminal antecedents. It is also noted that, subsequent to his conviction, Petitioner No. 2 made efforts to clear the outstanding dues owed to the Respondent bank, in an attempt to make amends for his actions. Moreover, there is no report of any criminal involvement or adverse conduct on his part during his incarceration, indicating reformative behaviour and demonstrating his *bona fides*.

11. Having regard to the total period of custody already undergone, the remission earned, and the socio-economic condition and family obligations of the Petitioner, this Court is of the view that the ends of justice would be met by reducing the sentence.

12. Accordingly, the sentence imposed upon Petitioner No. 2 as per the order on sentence dated 14th January, 2015 is modified to the period already undergone. However, the fine imposed by the Trial Court shall be paid, if not already deposited, within two weeks from today.

13. It is explicitly clarified that the Court does not overlook the gravity of the offence for which the Petitioners stand convicted. This reduction in sentence is not an erasure of past conduct, but a recognition of future possibility.

14. Accordingly, the present petition is disposed of in the above terms, along with pending applications.

15. Copy of the order be sent to the concerned Trial Court and to the Superintendent of the concerned jail for information and compliance.

SANJEEV NARULA, J

NOVEMBER 10, 2025

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