



219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-420-2007 (O&M)
Date of Decision:06.04.2026

Savinder Singh ...Petitioner

VS.

State of Punjab ... Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Shubhjot Singh Chadha, Advocate
for the petitioner.

Mr. Bhanu Pratap Singh, Addl. A.G. Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgment dated 06.02.2007 passed by the Court of Sessions Judge, Ferozepur and the judgment of conviction and order of sentence dated 28.01.2006 passed by the Court of Additional Chief Judicial Magistrate, Ferozepur, whereby the petitioner was convicted for the commission of offences punishable under Section 408 of IPC and was sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1000/- alongwith default stipulation.

2. The brief facts of the case are that a letter was received from Rajinder Singh with regard to the mis-appropriation of amount of the Co operative Agricultural Services Society limited, Khai PHEME KE and the present case has been registered on the basis of the said letter received from complainant Rajinder Singh. In the said letter, it was alleged that accused



Savinder Singh was employed as Salesman in Cooperative Agricultural Society, Khai PHEME KE and the said society is registered under the Punjab Co-Operative Societies Act 1961. It was also alleged in the letter that accused Savinder Singh is employee of the society and it was his duty to collect the loan amount from the members of the Cooperative Society and then to deposit the said amount in Ferozepur Central Co-operative Bank Ltd. Branch Tibbi Khurd. The complainant also alleged that accused Savinder Singh had collected the loan amount and interest from the different members of the society and he was required to deposit the said loan amount and interest in the roaker bahi of the society and he had simply deposited the amount in the accounts of these members, but he had not actually deposited the amount in the account of society. It was alleged that the accused had collected Rs.5,900/- on 29.11.1995 from Krishan Singh s/o Sunder Singh, Rs.5,500/- on 30.06.1995 from Dharampal Singh s/o Mohinder Singh, Rs.9,580/- on 27.06.1995 from Jaswant Singh son of Budha Singh, Rs.24,640/- on 23.06.1995 from Jagir Singh son of Darshan Singh, Rs.24,540/- on 23.06.1995 Sher Singh son of Sulakhan Singh, totaling Rs.70,160/-. In this way, the accused had collected the amount from different members of the society, but had not deposited the said amount in the Central Co-operative Bank of the society. As such, he had misappropriated the said amount for his own use. On the basis of the said letter, the present case was registered against the accused.

3. After completion of investigation, challan was presented before the Area Magistrate. The trial Court found that a *prima facie* case under Section



408 IPC was made out against the petitioner and he was ordered to be charge-sheeted accordingly, to which, he pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined PW-1 Rajinder Singh, complainant, PW-2 Ajit Singh, PW-3 Hari Mohan Singh, PW-4 SI Rachhpal Singh, PW-5 Jaswant Singh, PW-6 Dharampal Singh, PW-7 Surinder Kumar, PW-8 SI Jalour Singh, PW-9 Dharamvir, DSP and thereafter, the prosecution evidence was closed.

5. After closure of the prosecution evidence, the statement of the petitioner under Section 313 Cr.P.C. was recorded and all the incriminating circumstances were put to him. However, he denied all allegations and pleaded false implication in the present case. The petitioner chose not to lead any defence evidence.

6. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgments of conviction passed against the petitioner by both the Courts, however, some leniency may be shown, while awarding the sentence on him. Even though, learned counsel for the petitioner has not challenged the judgment of conviction, still this Court has examined the entire case on merits in the light of the evidence led by the prosecution.

7. Learned State counsel contended that the petitioner does not deserve any concession regarding sentence and the present revision petition be dismissed.

8. I have heard learned counsel for the parties and perused the record carefully.



9. In the present case, it is not denied that the petitioner was employed as salesman in the Co-operative Agriculture Service Society Limited. He had admittedly collected various amounts from different persons, who were the members of the Society. Even the petitioner himself proved on the record vouchers (Exhibit D1 and Exhibit D2), which clearly showed that the petitioner had deposited an amount of Rs.50,000 with Wazir Chand on 18.11.1995, whereas, the amount of Rs.20,160/- was deposited on 01.12.1995. Thus, there was sufficient evidence to show that the petitioner had committed criminal breach of trust and had misappropriated the amount for a period of 5 months. Even from the statements of PW-1 Rajinder Singh, PW2, Ajit Singh, PW3 Hari Mohan Singh, PW6 Dharam Pal Singh and PW7 Surinder Kumar, that the petitioner had collected amounts on different dates from various members of this society and had not deposited in the Ferozepur Central Co-operative Bank. Thus, the petitioner had committed the offence under Section 408 IPC. Even I have carefully perused the findings recorded by the trial Court as well as the Appellate Court and both the judgments call for no interference by this Court and the impugned judgments of convictions are upheld.

10. Now advertent to the order on quantum of sentence, this Court is conscious of the fact that the petitioner is facing the prosecution in the present case since 21.01.1997 i.e. for the last more than 28 years. Even otherwise, he has already undergone 01 month and 07 days of actual custody, out of total sentence of one year. Further, the sentence imposed on the petitioner was suspended by this Court on 05.03.2007 and in the last more than 19 years, the petitioner has maintained good conduct. Even otherwise, the petitioner is a



senior citizen and is suffering from various old age disease. Thus, keeping in view the mitigating circumstances, the sentence imposed on the petitioner is reduced to the period already undergone by him. However, the sentence of fine as imposed upon the petitioner is increased from Rs.1,000/- to Rs.50,000/-, which shall be deposited by him before the concerned Court, within a period of 04 weeks from the date of receipt of certified copy of this case. It is made clear that in case, the enhanced fine is not deposited within the aforesaid period of four weeks as per this order, the present order reducing the sentence of the petitioner to the period already undergone, shall automatically stand vacated and in that eventuality, the petitioner will have to undergo the actual sentence of 01 year apart from the sentence of default imposed by the concerned Court.

11. With the above modifications, the present revision petition is partly allowed and the judgment of conviction is upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him and the sentence of fine as imposed upon the petitioner is increased from Rs.1,000/- to Rs.50,000/-, which shall be deposited by him before the concerned Chief Judicial Magistrate, within a period of 04 weeks from the date of receipt of certified copy of this order.

12. Pending applications, if any, stand disposed of, accordingly.

(N.S.SHEKHAWAT)
JUDGE

06.04.2026
hemlata

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