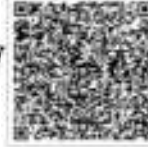


2026:PHHC:039027



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

CRR 1189 of 2009

Date of Decision: 12.03.2026

Manjit Singh

...Petitioner(s)

Vs.

State of Punjab

...Respondent(s)

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

Present : Mr. Navjeet Singh, Advocate for the petitioner.
(through V.C.).

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

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present revision petition against the judgment dated 01.05.2009 passed by the Court of the Additional Sessions Judge (Adhoc), Fast Track Court, Ludhiana, whereby the sentence imposed upon the petitioner under Sections 457/380 of the IPC by the learned Judicial Magistrate First Class, Ludhiana, vide judgment dated 06.02.2006, was set aside. However, the conviction of the petitioner was modified to Section 411 IPC and he was sentenced to undergo rigorous imprisonment for a period of six months. The sentence of fine imposed earlier under Sections 457/380 IPC was ordered to remain the same for the offence under Section 411 IPC.

2. Briefly stated, the facts of the present case are that on 27.01.2003, the case in question was registered on the statement of Bharat Khanna who stated that he was working as Regional Manager in Patiala Roadways Ltd. About 15 persons were working in the said

company. Complainant further stated that he opened his office at 9 a.m. and closed it at 8 p.m. After checking the locks, he leaves for his house. On 25.01.2003, he closed his office and went to his house. It was holiday on 26.01.2003. When he opened his office on 27.01.2003, he found that the almirah was found broken and Rs.50,000/- had been stolen by someone. He inquired from all the persons and found that Manjit Singh petitioner was absent. Complainant had firm belief that the amount had been stolen by Manjit Singh. ASI Ram Murti recorded the statement of complainant and read over the same to him and he signed the same in token of its correctness. ASI made his endorsement on it and sent it to the police station where on its basis, a formal FIR Ex.PA/2 was registered against the accused. ASI Ram Murti went to the spot and prepared the rough site plan Ex.PB with correct marginal notes. He recorded the statements of PWs and arrested the accused vide memo Ex.PG. Personal search memo Ex.PF of the accused was also prepared.

3. After the registration of the FIR, the petitioner was arrested, and on his disclosure statement Ex. PC, the police party went to the disclosed place and recovered Rs.50,000/-, which were taken into possession by memo Ex. PD. Even Ex. PE was prepared, and the statements of the witnesses were recorded. After completion of investigation, *challan* was presented before the trial Court. The trial Court found a *prima-facie* case under Sections 467/381 of IPC, and the petitioner pleaded not guilty and claimed trial.

4. In support of the prosecution case, two witnesses, namely, ASI Ram Murti PW1 and Bharat Khanna PW-2, were examined. ASI Ram Murti was the IO of the present case. On 27.01.2003, he along with

other police officials was present at Cheema Chowk, Ludhiana, where Bharat Khanna got recorded his statement Ex. PA and he sent *Rukka* Ex. PW/1 to the police station, on the basis of which formal FIR Exhibit PA/2 was registered. Thereafter, the accused was arrested and he got recovered Rs.50,000/- from his house, in pursuance of his disclosure statement. Bharat Khanna appeared as PW2, who stated that in the year 2003, fifteen persons were working with him. On 27.01.2006, when he opened the office, he found that the Almirah was broken and theft of Rs.50,000/- had been committed by some person. He made inquiries from the servants, but the petitioner was found absent and theft of the amount was committed by him. Thereafter, Manjit Singh, the petitioner, got recovered the amount, which was taken into possession by memo Ex. PC.

5. After the closure of the evidence, the statement of the accused was recorded under Section 313 Cr.P.C., and he denied all the allegations leveled against him and pleaded false implication. He did not lead any evidence in defence.

6. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgement of conviction, however, some leniency may be shown while awarding the sentence to the petitioner.

7. Even though learned counsel for the petitioner does not wish to challenge the conviction, however, this court has considered the case on merits.

8. In the present case, the prosecution's case is primarily based on the statement of Bharat Khanna, the complainant, who stated that on

27.01.2003, when he opened the office, he found that the Almirah was broken and Rs.50,000/- was stolen from his office. The petitioner was not found present and he expressed apprehension that theft had been committed by him. Thereafter, the petitioner was arrested and in pursuance of his disclosure statement, the amount of Rs.50,000/- was recovered from his possession. Even the various memos were duly proved before the trial Court during the course of trial. Thus, there was sufficient evidence to show that the petitioner had committed the offences under Sections 380 and 457 IPC. Consequently, the judgement of conviction passed by both the Courts is ordered to be upheld.

9. Now, advertent to the order of sentence, this Court is conscious of the fact that the petitioner is facing the ordeal of investigation, trial and appeal since 27.01.2003, i.e., for the last more than 23 years. Even, he was sentenced to undergo the maximum sentence of 01 year. However, he has already undergone more than 01 month in the present case. Moreover, the sentence imposed on him was suspended by this Court on 29.5.2009 and in the last seventeen years, he was never involved in any other crime and never misused the concession of bail. Consequently, keeping in view the aforesaid mitigating factors, the sentence imposed on the petitioner is reduced to the period already undergone by him. The sentence of amount of fine will remain the same.

10. With the above modifications, the revision is partly allowed and the impugned judgment of conviction dated 01.05.2009 passed by the Additional Sessions Judge, Ludhiana, is 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. The sentence of fine will remain the same.

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

12. The case property, if any, may be dealt with as per the rules after expiry of period of limitation for filing the appeal.

12.03.2026	(N.S.SHEKHAWAT)
amit rana	JUDGE
Whether reasoned/speaking	: Yes/No
Whether reportable	: Yes/No