



208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-861-2009 (O&M)
Date of Decision:24.03.2026

Des Raj ...Petitioner
Vs.

State of Haryana ...Respondent

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

Present: Mr. Krishan Singh, Advocate
for the petitioner.

Mr. Rajiv Sidhu, Sr.DAG, Haryana.

N.S.Shekhawat J.

1. The petitioner has filed the present revision petition against the impugned judgment dated 05.03.2009 passed by the Court of Additional Sessions Judge, Yamuna Nagar at Jagadhari, whereby, the appeal filed by the petitioner has been partly allowed and the impugned judgment of conviction dated 22.01.2008 and order of sentence dated 23.01.2008, passed by the Court of Judicial Magistrate Ist Class, Yamuna Nagar, whereby the petitioner was ordered to be convicted for the offence punishable under Sections 420,467,468,471 of IPC and was sentenced as under:-

Under Section 420 of IPC	R.I for a period of one year and to pay a fine of Rs.1000.
Under Section 467 of IPC	R.I for a period of one year and to pay a fine of Rs.1000.
Under Section 468 of IPC	R.I for a period of one year and to pay a fine of Rs.1000.
Under Section 471 of IPC	R.I for a period of one year and to pay a fine of Rs.1000.

2. The brief facts of the case are that the appellant-accused was



booked in a case bearing F.I.R. No. 19 dated 2.3.2000 under Section 420, 467, 468 and 471 of the Indian Penal Code by the police of police station Chhappar at the instance of PWI Som Nath, Inspector, Khadi Gram Udyog Board, Yamuna Nagar (hereinafter referred as “Board”) on the basis of a written complaint Ex. PA inter alia on the allegations that he had applied to the Board for loan to the tune of Rs.4 lacs for installation of a saw machine. A loan of Rs.3,75,000/- was approved to him on 28.1.1999 by the head office subject to mortgage of the some property of the loanee with the “Board”. On asking for the same accused submitted an affidavit of one Chamela Ram son of Gian Chand and a jamabandi for the year 1996-97 which was shown to have been prepared by Patwari Mahi Pal showing the land mentioned therein to be free from any encumbrances. On personal enquiry from Chamela Ram and Rati Ram sons of Nanak Chand, made by the complainant in the village, they produced copy of another jamabandi pertaining to the land wherein there was a reference regarding loans of Rs.2,35,000/- and Rs.40,000/- from Land Mortgage Bank. It was revealed that the accused had given false affidavit and jamabandi relating to their land without their consent. On the basis of that complaint, the present case was registered against the present accused as well as Mahi Pal, Patwari. During investigation, present appellant was arrested on 07.04.2000. Specimen handwriting of another accused named in the FIR, namely, Mahi Pal Patwari as well as Lachhman Dass, Chowkidar were obtained before the Court and the same were sent to the FSL, Madhuban, however, on receipt of result it was revealed that the documents in question were not in their hands. Thus, they were found innocent. Present appellant-accused had refused to give his specimen handwriting. Relevant documents were taken into



possession. Statements of the witnesses were recorded on completion of all formalities of the investigation, the final report under Section 173 Cr.P.C. was presented before the court of law

3. After perusing the challan and accompanying documents, the Trial Court found that a prima facie case under Sections 420,467,468 and 471 of IPC was made out against the petitioner and he was charge-sheeted accordingly. However, the accused pleaded not guilty and claimed to be tried by the Trial Court.

4. In order to prove the charge against the petitioner, the prosecution examined 07 witnesses. Som Nath as PW-1, ASI Baldev Singh as PW-2, Karam Chand as PW-3, SI Tarsem Lal as PW-4, HC Raghbir Singh as PW-5, Des Ram, Retired S.I as PW-6 and Rati Ram as PW-7 and closed the prosecution evidence.

5. After the closure of the prosecution evidence, the statement of petitioner was recorded under Section 313 Cr.P.C and all the incriminating evidence was put to him, to which he pleaded that he had been falsely involved in the present case. No defence evidence was led by the petitioner in his defence.

6. At the very outset, learned counsel appearing on behalf of the petitioner submits that he does not wish to challenge the impugned judgment of conviction and some leniency may be shown by this Court, while awarding the sentence to him. Even though, learned counsel for the petitioners has not challenged the judgment of conviction, still this Court has considered the case on merits.

7. In the present case, I have carefully perused the evidence led by the



prosecution and it was sufficient to establish that the copy of *Farad Jamabandi* produced by the petitioner in the office of the “Board” was a forged document. The original forged Jamabandi Ex.PW-5/A was recovered by the I.O vide the memo Ex.PW-4/B, from the possession of the petitioner. The said fact was duly proved by PW-4 S.I Tarsem Lal and PW-5 HC Rajbir Singh, who had witnessed the recovery. Still further, PW-3 Karam Chand and PW-6 Rati Ram, who also stood proved that the Jamabandi Ex.PW-5/A was a forged document and the witnesses clearly admitted that they had already taken the loan by pledging their land.

8. Consequently, the Courts had rightly convicted the petitioner for commission of the offences punishable under Sections 420 and 471 of IPC and the impugned judgments of conviction are ordered to be upheld. Even otherwise, learned counsel for the petitioner could not point any irregularity and illegality in the impugned judgments passed by both the Courts.

9. Now, advertent to the order of sentence in the present case, this Court cannot lose sight of the fact that the petitioner is facing the agony of trial/appeal since 02.03.2000 i.e. for the last 26 years. Still further, the sentence imposed on the petitioner was ordered to be suspended by this Court on 01.07.2009 and for the last more than 16 years, he had maintained good conduct. Moreover, he has already undergone more than 19 days of custody out of total sentence of one year. Consequently, the sentence imposed on petitioner is reduced to the period already undergone by him. However, the amount of fine imposed on him is enhanced to Rs.25,000/- which shall be deposited by him with the concerned Chief Judicial Magistrate within a period of four weeks from the date of receipt of certified copy of this order.



10. In case, the enhanced amount of fine Rs.25,000/- is not deposited by him as ordered, the present revision petition shall be deemed to be dismissed.

11. With the above modifications, the present revision petition is partly allowed and the impugned judgment of convictions are upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him and the amount of fine imposed on him is enhanced to Rs.25,000/- which shall be deposited by him with the concerned Chief Judicial Magistrate within a period of four weeks from the date of receipt of certified copy of this order.

12. Pending application(s), if any, stand(s), disposed of, accordingly.

(N.S.SHEKHAWAT)
JUDGE

24.03.2026
hitesh

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