



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

**CRR-1472-2011**

**Date of Decision:24.03.2026**

Rajiv Kumar

...Petitioner

Vs.

## State of Punjab

...Respondent

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

Present: Mr. Sunil Chadha, Sr. Advocate with  
Mr. Jatinder Singh Kaliraman, Advocate  
for the petitioner.

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

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**N.S.Shekhawat J.**

1. The petitioner has filed the present revision petition against the impugned judgment dated 04.07.2011 passed by the Court of Additional Sessions Judge, Ludhiana and the impugned judgment of conviction and order of sentence dated 14.11.2008, passed by the Court of Judicial Magistrate Ist Class, Ludhiana, whereby the petitioner was ordered to be convicted for the offence punishable under Section 419 of IPC and was sentenced as under:-

|                          |                                                                                                                                         |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Under Section 419 of IPC | R.I for a period of one year and to pay a fine of Rs.200, in default of payment of fine, to further undergo RI for a period of 07 days. |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|

2. The FIR in the present case was registered on the basis of an application moved by General Manager, Bharat Sanchar Nigam Limited, Ludhiana, on the allegations that a PCO connection was obtained by accused Rajiv Kumar vide Telephone No. 728973 installed at 8, Modi Complex, Ghas Mandi, Ludhiana. As such the accused was agent/licensee of the Department of Telecommunication, which is now Bharat Sanchar Nigam Limited and another



telephone No. 710891 was availed by Rajiv Kumar in the same premises. Accused Rakesh Kumar moved two separate applications for availing two telephone connections for shop No. 36. Karta Ram Street, Modi Complex, Ghas Mandi, Ludhiana, on the name and style of M/s. Flying Courier Service of which the accused Rakesh Kumar is the proprietor. Entertaining the said applications, the Department provided two separate telephone connections vide telephone Nos. 730411 and 730428 on 19.1.2001. Both the said telephone connections were provided with STO and ISD facilities on the request of subscriber. A complaint from one Karan Saxena was received in the office of department of complainant whereby it was informed that accused Rajiv Kumar Proprietor of M/s. Raju PCO, Ghas Mandi, Chaura Bazar, Ludhiana, is misusing the telephone Nos. 730411 and 730428 and is getting frequent overseas calls made through the said telephone with intention of not paying the bills to the department. The complainant department immediately acted upon said complaint and marked an inquiry to Vigilance Cell of Department and on inquiry by the Vigilance Cell, it was reveals that shop No. 36 where the telephone Nos. 730411 and 730428 were installed, was lying vacant and no telephone apparatus was available and as such on further probing of the matter, it was found that as a matter of fact the accused Rajiv Kumar had impersonated himself as Rakesh Kumar falsely alleging himself to be the proprietor of M.s. Flying Courier Service as the hand writing and signatures appearing on all the three applications i.e. for availing telephone of PCO and for availing telephone numbers 730411 and 730428 were identical and moreover Rakesh Kumar the alleged proprietor of M/s Flying Courier Service on whose name the telephone connection No. 730428 and 730411 were availed was found missing and not



occupying shop no. 36 where the said telephone connections were availed by him. More so, the accused No.3 and 4 namely B.K Gupta and R.P Singhanian who had witnessed the application for availing telephone connections of Rakesh Kumar were contacted at their given addresses and they denied having signed the said application as witnesses and hence, it seems that all accused conspired together and gave their fictitious addresses and name, so as to deceive the complainant department and to embezzle the huge amount of department and resultantly they succeeded in their conspiracy as they excessively used the telephone numbers 730411 and 730428 by making overseas and other long distance calls and hence consumed calls to the tune of Rs. 31,14,137/-. All accused conspired together to cause illegal loss to complainant department with mala-fide intention to make illegal gain for themselves and hence defrauded the complainant department with an amount of Rs. 31,14,137/-. Although on account of non payment of amount the said telephone numbers have already been disconnected but the said amount is still standing due against them. All the accused impersonated and cheated the department of said amount. Accused have also prepared forged applications with intention to deceive the complainant department and hatched up pre-planned criminal conspiracy to embezzle the amount.

3. On the said application, the case was registered. ASI Harbans Singh conducted investigation. The applications were sent to FSL, Chandigarh for comparison of signatures. Rajiv Kumar alias Raju was arrested. Report of FSL was received. Signatures of BK Gupta and RP Singhanian were found forged and it was found that writing was effected by Rajiv Kumar. BK Gupta and RP Singhanian were found innocent. Statements of witnesses were recorded.



After completion of investigation, challan against the accused was prepared and presented in court.

4. After perusing the challan and accompanying documents, the Trial Court found that a prima facie case under Section 419 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.

5. In order to prove the charge against the petitioner, the prosecution examined 12 witnesses. ASI Harbans Singh as PW-1, Dharam Pal as PW-2, Atul Kumar as PW-3, Lalla Singh as PW-4, Shambhu Nath as PW-5, Baldev Raj as PW-6, Daljinder Singh as PW-7, Sumit Kumar as PW-8, SI Shamsher Singh as PW-9, ASI Gopal Krishan as PW-10, BK Gupta as PW-11 and R.P Singhanian as PW-12 and closed the prosecution evidence.

6. 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.

7. At the very outset, learned counsel appearing on behalf of the petitioner submits that he does not wish to challenge the impugned judgments 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.

8. I have heard the learned counsel for the parties and with their able assistance, I have gone through the trial Court record carefully



9. In the present case, PW-2 Dharam Pal (wrongly mentioned as PW-1) deposed that he never heard regarding courier wing in shop No.36 and the same had never been opened by anyone. PW-3 Atul Kumar (wrongly mentioned as PW-2) also supported his statement. PW-4 Lalla Singh (wrongly mentioned as PW-3) has also stated that he along with Shambhu Nath went to shop No.36 Modi complex, which was in the name of “Flying Courier” to install telephone. They enquired from Rajeev Kumar, accused and he told him that owner of shop No.36 was known to him and he showed the receipt booking the telephone and asked them to install the telephone connection for shop No.36 and they obtained receipts from Rajiv Kumar, accused under his signatures and proved the receipts as Ex.P-1 and Ex.P-2. Shambhu Nath PW-5 (wrongly mentioned as PW-4) also supported the testimony of PW-4 Lalla Singh. PW-6 Baldev Raj (wrongly mentioned as PW-5) stated that the accused impersonated him as Rakesh Kumar and applied for telephone connections. A.S.I, Gopal Krishan appeared as PW-10 (wrongly mentioned as PW-8) proved the FSL report Ex.PX. It clearly showed that as per the FSL report, the witnesses namely B.K Gupta, R.P Singhanian, Vinod Kumar and Ashok Singhanian had not affixed their signatures on the documents Ex.PW4/D and Ex.PW4/G. B.K Gupta PW-11 (wrongly mentioned as PW-9) also denied his signatures on nomination forms. Similarly, PW-12, R.P Singhanian (wrongly mentioned as PW-10) denied his signatures on the nomination form.

10. From the evidence led by the prosecution, it was clear that Rajiv Kumar, petitioner had impersonated as Rakesh Kumar and had applied two telephone connections and got installed the same. Thus, both the Courts had rightly convicted the petitioner for committing the offence under Section 419



IPC.

11. 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 09.08.2001 i.e. for the last 24 years. Still further, the sentence imposed on the petitioner was ordered to be suspended by this Court on 30.08.2011 and for the last more than 14 years, he had maintained good conduct. Moreover, he has already undergone more than 02 months and 15 days of actual 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.

12. 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.

13. 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.

**(N.S.SHEKHAWAT)**  
**JUDGE**

24.03.2026  
*hitesh*

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