



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

CRR-842-2010

Date of Decision:06.04.2026

Sat Narain

...Petitioner

Vs.

State of Haryana

...Respondent

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

Present: Mr. P.S Sekhon, Advocate
 for the petitioner.

Mr. Parmod Kumar, AAG, Haryana.

N.S.Shekhawat J.

1. The petitioner has filed the present revision petition against the impugned judgment dated 27.02.2010 passed by the Court of Additional Sessions Judge, Kurukshetra, whereby, the judgment of conviction dated 25.10.2004 passed by the Court of Judicial Magistrate Ist Class, Kurukshetra was upheld and the order of sentence dated 27.10.2004 was modified to the extent that the R.I. for two years was reduced to the period of one year and the impugned judgment of conviction dated 25.10.2004 and order of sentence dated 27.10.2004, passed by the Court of Judicial Magistrate Ist Class, Kurukshetra, whereby the petitioner was ordered to be convicted for the offence punishable under Section 409 of IPC.

2. The brief facts of the case are that on 02.10.1991, Shri Mangat Ram Deswal, District Manager, Haryana Backward Classes & Economically Weaker Section, Kalyan Nigam, Kurukshetra (hereinafter referred to as the "Nigam") moved a complaint to the Superintendent of Police, Kurukshetra for registration



of a case against accused Ram Sarup, Clerk and Sat Narain, Sewadar, stating therein that accused Ram Sarup was serving as clerk in the Nigam and was also Incharge of the accounts. His duty was to collect the recovery from the loanees and to deposit the same in the office and to maintain the cash-book etc. He went to the fields to collect the recovery where some people told him that they had paid the amount and they had also the receipts in this regard. Some people produced the receipts issued by Ram Sarup and Sat Narain. He compared the receipts from the cash-book and found that the entry of the receipt was not made in the cash book. Ram Sarup and Sat Narain were called to ask about the matter. On 5.9.1991, Ram Sarup admitted in writing that he failed to deposit the same and which could be deposited by him on or before 12.9.1991. Sat Narain, Sewadar made the statement before him to the effect that he did not embezzle any amount. Thereafter, he appointed Sh. Inder Raj, Field Officer, as Enquiry Officer to enquire about the matter and to submit his report. Sh. Inder Raj conducted the enquiry and submitted his report on 24. 09. 1991, vide which he found that Ram Sarup and Sat Narain had embezzled the amount of Rs 40,918/-. Sat Narain also issued the receipts by obtaining the cash but the same was not deposited in the Nigam and was not entered into the cash-book. The receipts book which was in possession of Ram Sarup, was not taken back from him. Out of Rs. 40,918/-, Ram, Sarup had embezzled a sum of Rs 34,960/- while Sat Narain had embezzled an amount of Rs.5,958/-. The Enquiry Officer in his enquiry also found that Ram Sarup usually embezzled the amount of the “Nigam”. In the year 1985-86, he was also found guilty for the embezzlement of some amount. After that, Ram Sarup assured to deposit the embezzled amount upto 12.09.1991 but failed to do so. On 30.09.1991, he deposited a sum



of Rs.2500/-. Ram Sarup and Sat Narain embezzled the above said amount in collusion with each other.

3. After concluding the investigation, the final report under Section 173 Cr.P.C was prepared against the petitioner and other co-accused and the trial formally commenced, thereafter.

4. After perusing the challan and accompanying documents, the Trial Court found that a prima facie case under Section 409 of IPC was made out against the petitioner and he was charge-sheeted accordingly. However, the petitioner pleaded not guilty and claimed to be tried by the Trial Court.

5. In order to prove the charge against the accused, the prosecution examined 24 witnesses. Shri K.K.Rao, DSP as PW-1, Shri Faquir Chand SI as PW-2, Shri Puran Singh as PW-4 (wrongly numbered), Tulsi Devi as PW-5, Gian Chand as PW-6, Sita Ram as PW-7, Rosha Lal as PW-8, Ishwar Chand as PW-9, Hardeep as PW-10, Kanta Rani as PW-11, Shri Inder Raj, Field Officer as PW-12, Shri Ram Singh, DSP as PW-13, Shri Purshotam Kumar, Accountant as PW-14, Shri A.K. Gupta, Director Incharge, FSL, Madhuban as PW-15, Ram Dhan as PW-16, Amarjit as PW-17, Surjit Kaur as PW-18, Shri Balbir Singh, Addl. District & Sessions Judge as PW-19, Jai Devi as PW-20, Ram Singh as PW-21, Dharam Pal as PW-22, Ram Nath as PW-23 and Sh. Mohammad Akil as PW-24 (wrongly numbered as PW-38).

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 and in his defence petitioner examined Rameshwar Dass, Clerk as DW-1.



7. 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 petitioner 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, it was apparent from the statement of PW-12, Inder Raj, Field Officer, who was also the Enquiry Officer and PW-14, Purshotam Kumar, Accountant that Ram Sarup was working as a Clerk, whereas, Sat Narain was serving as a Peon in the office of “Nigam”. PW-12, Inder Raj conducted the enquiry and submitted the enquiry report, wherein, it was proved that Ram Sarup, Clerk and the petitioner Sat Narain (Peon) had embezzled the amount of loan, which was deposited by the loanees and the same was to be deposited in the office of Nigam. Similarly, PW-4 Puran Singh, PW-6 Gian Chand, PW-8 Roshan Lal, PW-9 Ishwar Chand, PW-16 Ram Dhan, PW-17 Amarjit, PW-22 Dharam Pal and PW-23 Ram Nath also submitted that they had paid various sums to Ram Sarup against receipts, but Ram Sarup failed to deposit the same in the office of “Nigam”. Similarly, PW-5 Tulsi Devi, PW-7 Sita Ram and PW-20 Jai Devi also stated that the petitioner had received the instalments of loan from them, but failed to deposit the same in the office of “Nigam”. Even, the FSL report proved the signatures of the petitioner and Ram Sarup, co-accused were there on the receipts and they had executed the fake receipts. Thus, the petitioner has been rightly convicted by the Trial Court as



well as the Appellate Court under Section 409 of IPC and the impugned judgments are liable to be upheld by this Court.

10. Now, advertng to the order of quantum of sentence, this Court cannot lose sight of the fact that the FIR in the present case was registered on 09.10.1991 and the petitioner is facing the audial of trial/appeal since last more than 34 years. Even, sentence imposed on the petitioner was ordered to be suspended by this Court 17.03.2010 and in the past more than 15 years, he has maintained good conduct. Even otherwise, he is the sole bread earner of his family. Consequently, the petitioner is ordered to be released on probation for a period of one year and he will not suffer any disqualification, due to his conviction by the Court. He shall also furnish the requisite bonds in that regard within a period of four weeks of receipt of certified copy of this order, to the satisfaction of the trial Court/C.J.M concerned. During the period of probation, the petitioner shall not commit any offence and be of good behaviour. He would also furnish an undertaking before the trial Court/C.J.M that he would undergo the remaining part of the sentence, if called for, to do so by a court of Competent jurisdiction during the period of his probation. The amount of fine imposed by the trial Court shall be converted into the litigation expenses.

11. The petition(s) stands disposed of.

(N.S.SHEKHAWAT)
JUDGE

06.04.2026
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No