



226/2            **IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRR-844-2010**

**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.

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**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 38 witnesses. Shri K.K.Rao, DSP as PW-1, Shri Faquir Chand SI as PW-2, Shri Jai Parkash as PW3, Shri Som Nath, Assistant as PW4, Shri Purshotam Kumar, Accountant as PW5, Shri Mangat Ram Deswal, District Manager as PW6, Sohan Lal as PW7, Mangu Ram son of Chanwa Ram as PW8, Darshan Kumar as PW9, Mangu Ram son of Anant Ram as PW10, Jasmer Singh as PW11, Gulshan Kumar as PW12, Baldev Singh as PW13, Shri Ram Singh, DSP as PW14, Shri Mam Chand, SI as PW15, Shri Inder Raj, Field Officer as PW16, Bachna Ram as PW17, Sher Singh as PW18, Shri A.K. Gupta, Director Incharge, FSL as PW19, Shri Balbir Singh as PW20, Sita Devi (wrongly numbered as PW19) as PW21, Khushi Ram as PW22, Mahender Singh as PW23, Ranjit Singh as PW24, Som Nath as PW25, Sudesh Kumar as PW26, Meena Devi as PW27, Balbir Singh son of Tulsi Ram as PW28, Dalbir Singh as PW29, Rakesh Kumar as PW30, Kartar Singh as PW31, Rajender Kumar as PW32, Shri Balbir Singh, Addl. District & Sessions Judge, Chandigarh as PW33, Jage Ram as PW34, Hari Chand as PW35, Nisar Ahmad



as PW36, Hardeep as PW37 and Sh. Mohamad Akil, IPS as PW38.

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-4 Som Nath Assistant, PW-6 Mangat Ram Deswal and PW-16, Inder Raj, Field Officer, who was also the Enquiry Officer that Ram Sarup was working as a Clerk, whereas, Sat Narain was serving as a Peon in the office of “Nigam”. PW-16, 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. Still further, PW-27 Meena Devi, PW-29 Dalbir Singh and PW-32 Rajender Kumar, who had handed over various amounts/instalments of loan to the petitioner, however, he did not deposit the same in the office of “Nigam”. PW-38 Mohammad Akil



obtained the signatures of the petitioner in the presence of Additional District and Sessions Judge. The FSL Report, which was proved by PW-10 Sh. A.K Gupta, clearly proved that the receipts had been executed by the petitioner and his co-accused Ram Sarup. Thus, there was sufficient evidence to show that the petitioner was working as a Peon in the office of “Nigam” and was not authorised to collect the loan amount from the loanees. However, he had collected the amounts of instalments illegally and his signatures were found on the receipts of amounts returned by the loanees, which were to be deposited in the office of “Nigam”. Apart from that, the FSL report also proved that the receipts were executed by the present petitioner. 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, advertent 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 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 |