

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

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2026:PHHC:084897



CRR-65-2012 (O&M)
Date of Decision: 27.05.2026.

RAVI DUTT SHASTRI

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Ritesh Pandey, Advocate,
for the petitioner.

Ms. Alisha Soni, AAG, Punjab.

VINOD S. BHARDWAJ, J.(Oral)

The present criminal revision petition has been preferred against the judgment of conviction and order of sentence dated 02.11.2006 passed by the Judicial Magistrate First Class, Dasuya, in case bearing Police Challan No.54 dated 30.05.2002, arising out of FIR bearing No.132 dated 14.10.2001, under Sections 465, 468 and 471 of the Indian Penal Code, 1860, registered at Police Station City Mukerian, District Hoshiarpur, whereby the revisionist-

petitioner had been convicted and sentenced as under:-

Offence under Section	Sentence
465 IPC	To undergo rigorous imprisonment for a period of two years and also to pay fine of Rs.1000/-.
468 IPC	To undergo rigorous imprisonment for a period of two years with a fine of Rs.1000/-.
471 IPC	To undergo rigorous imprisonment for a period of two years and also to pay fine of Rs.1000/-.

In default of payment of fine, the petitioner was ordered to undergo further rigorous imprisonment for a period of thirty days. All the sentences were ordered to run concurrently.

2. A further challenge is also made to the judgment dated 06.12.2011 passed by the Additional Sessions Judge (Ad hoc), Fast Track Court, Hoshiarpur, in criminal appeal bearing No.104 dated 09.11.2006, vide which the appeal filed by the petitioner has been dismissed.

3. Succinctly, the story put forth by the prosecution is that in the instant case FIR was lodged on an application moved by the Manager, A.S. Senior Secondary School, Mukerian, for registration of case for forgery and cheating against petitioner Ravi Dutt Shastri on the allegations that on 23.10.1997, he had applied for and got a loan of Rs. 19,500/- sanctioned from Punjab National Bank, Mukerian, for purchase of a scooter. The loan was sanctioned based on a letter of authority, given by the loanee to the principal

of the school, to deduct an amount of Rs. 600/- per month from his pay towards payment of the loan. On receipt of the letter dated 26.3.1999 and the legal notice dated 9.10.1999, the matter was enquired into, and it was found that the endorsement on the letter of authority was fake and the signatures of the then Principal were forged. It was further submitted in the application that on 9.7.1997, Ravi Dutt Shastri arranged a loan of Rs. 15,000/- for his wife Mrs. Bandana Sharma, from Central Bank of India, Mukerian, and he stood as a guarantor, undertaking to remit a sum of Rs. 600/- per month till clearance of the loan. For proper satisfaction of the Bank and to ensure sanction and payment of the amount, he submitted an irrevocable letter of undertaking on a stamp paper of Rs. 15/- ostensibly issued by Sh. Shiv Ishwar Nath, the then Principal of the school. Stamp paper was purchased by Ravi Dutt Shastri on 23.6.1997. Due to default of payment and the threat of legal action issued by the Central Bank on 8.11.1999 against the principal, the matter was enquired into, and it was found that the signatures of the principal had been forged on the letter of undertaking, or caused to be forged to his knowledge by Ravi Dutt Shastri, the beneficiary of the loan. The complainant further submitted that all endorsements on applications to the Principal of the School were made by one of the two clerks employed there, who were required to put their initials below the stamp of the principal. Ravi Dutt Shastri committed cheating and forgery there also. Endorsement on the letter of authority was not made by the clerks of the office. It was further submitted that Ravi Dutt Shastri had also forged the principal's signature while applying to M/s. Hind Samachar Ltd., Jalandhar, for getting himself enrolled as a Press Correspondent. The

complainant further submitted that the forgery could be clearly inferred from the fact that he had claimed in his letter dated 28.1.2000 that he had been permitted to apply to M/s. Hind Samachar Ltd., by the then Principal. It was further submitted that the forgery of the signature of the Principal of a Senior Secondary School, Mukerian, with about 1500 students on roll, was a very serious matter and of grave concern not only to the Management Committee of the school but also to a large section of the public of the Illaqa. There were already reports that Sh. Ravi Dutt Shastri had been issuing certificates for consideration by forging the signatures of the Principal. Hence, the complaint was filed. Statements of witnesses were recorded. After completion of the formal investigation, instant challan against the petitioner was forwarded to the Trial Court.

4. On the appearance of the accused in the trial Court, complete copies of documents as envisaged under Section 207 Cr.P.C. were supplied to him, free of costs.

5. Finding a prima facie case, charge under Sections 465, 468 and 471 of IPC, was framed against the petitioner, to which he pleaded not guilty and claimed trial.

6. In support of its case, the prosecution examined as many as twelve witnesses; however, since the evidence could not be concluded despite affording several opportunities, the prosecution evidence was closed by order.

7. In the statement recorded under Section 313 of the Cr.P.C., all the incriminating evidence against the petitioner was put to him. The petitioner refuted all the allegations levelled against him by the prosecution

and pleaded that a false case had been foisted upon him. However, the petitioner closed his defence evidence without leading any evidence.

8. After considering the arguments advanced, the witness testimonies, and the evidence placed on record, the Trial Court, vide judgment dated 02.11.2006, convicted the accused and sentenced him vide order of even date.

9. Aggrieved by the aforesaid judgment of conviction and sentence, the petitioner preferred a Criminal Appeal before the Court of the learned Additional Sessions Judge, Hoshiarpur. However, vide judgment dated 06.12.2011, the appeal preferred by the petitioner was dismissed, affirming the conviction and sentence awarded by the trial Court. Hence, the present revision petition.

10. After arguing the matter at some length, counsel for the petitioner does not press the present revision petition on merits and confines his challenge only to the quantum of punishment that has been so awarded. The following mitigating circumstances are pointed out by the counsel for the petitioner:

- (i) The incident in question was reported in October 2001, and almost twenty-five years have elapsed since then. The petitioner at present is stated to be aged 75 years.
- (ii) There is nothing on record to suggest that either before the above incident or thereafter, the petitioner was involved in any other criminal activity. As per the custody certificate placed on record, there is no other case against the

petitioner.

- (iii) The petitioner has already faced the agony of a protracted criminal trial for a period of 25 years.
- (iv) The petitioner has undergone an actual sentence of 02 months and 18 days out of the maximum sentence of two years awarded by the trial Court, as affirmed by the appellate Court.
- (v) The petitioner has already repaid the entire loan and there is no criminal misappropriation.
- (vi) Imposing the sentence at this stage would bring about a stigma in the society and may affect matrimonial lives of his children, at the last phase of his life.

11. State counsel, on the other hand, contends that both the Courts have examined the evidence brought on record and concurrently recorded a finding of conviction against the petitioner. She submits that no illegality or perversity has been pointed out by the counsel for the petitioner; hence, no occasion would call for upsetting the findings recorded or the sentence awarded and affirmed by the Courts.

12. I have heard learned counsel for the parties and have gone through the impugned judgments.

13. The Hon'ble Supreme Court has laid down certain principles to govern the Courts in the matter of sentencing. Reference in this regard may be made to the judgment of the Hon'ble Supreme Court in the matter of **State**

of Punjab Vs. Prem Sagar & Ors (2008) 7 SCC 550. The relevant extract of the said judgment is reproduced hereinbelow: -

5. *'Whether the Court while awarding a sentence would take recourse to the principle of deterrence or reform or invoke the doctrine of proportionality, would no doubt depend upon the facts and circumstances of each case. While doing so, however, the nature of the offence said to have been committed by the appellant plays an important role. The offences which affect public health must be dealt with severely. For the said purpose, the courts must notice the object for enacting Article 47 of the Constitution of India.*

6. *There are certain offences which touch our social fabric. We must remind ourselves that even while introducing the doctrine of plea bargaining in the Code of Criminal Procedure, certain types of offences had been kept out of the purview thereof. While imposing sentences, the said principles should be borne in mind.*

7. *A sentence is a judgment on conviction of a crime. It is resorted to after a person is convicted of the offence. It is the ultimate goal of any justice-delivery system. Parliament, however, in providing for a hearing on sentence, as would appear from sub-section (2) of Section 235, sub-section (2) of Section 248, Section 325 as also Sections 360 and 361 of the Code of Criminal Procedure, has laid down certain principles. The said provisions lay down the principle that the court in awarding the sentence must take into consideration a large number of relevant*

factors; sociological backdrop of the appellant being one of them.

8. Although a wide discretion has been conferred upon the court, the same must be exercised judiciously. It would depend upon the circumstances in which the crime has been committed and his mental state. Age of the appellant is also relevant.

9. What would be the effect of the sentencing on the society is a question which has been left unanswered by the legislature. The Superior Courts have come across a large number of cases which go to show anomalies as regards the policy of sentencing. Whereas the quantum of punishment for commission of a similar type of offence varies from minimum to maximum, even where same sentence is imposed, the principles applied are found to be different. Similar discrepancies have been noticed in regard to imposition of fine.

10. In Dhananjoy Chatterjee Alias Dhana v. State of W.B. [(1994) 2 SCC 220], this Court held:

"15...Imposition of appropriate punishment is the manner in which the courts respond to the society's cry for justice against the criminals. Justice demands that courts should impose punishment befitting the crime so that the courts reflect public abhorrence of the crime..."

11. Gentela Vijayavardhan Rao and Another v. State of A.P. [(1996) 6 SCC 241], following Dhananjoy Chatterjee (supra), states the principles of deterrence and retribution but the same cannot be categorized as right or wrong. So much depends upon the belief of the judges.

12. *In a recent decision in Shailesh Jasvantbhai and Another v. State of Gujarat and Others [(2006) 2 SCC 359], this Court opined:*

“7. The law regulates social interests, arbitrates conflicting claims and demands. Security of persons and property of the people is an essential function of the State. It could be achieved through instrumentality of criminal law. Undoubtedly, there is a cross-cultural conflict where living law must find answer to the new challenges and the courts are required to mould the sentencing system to meet the challenges. The contagion of lawlessness would undermine social order and lay it in ruins. Protection of society and stamping out criminal proclivity must be the object of law which must be achieved by imposing appropriate sentence. Therefore, law as a cornerstone of the edifice of ‘order’ should meet the challenges confronting the society. Friedman in his Law in Changing Society stated that: "State of criminal law continues to be--as it should be--a decisive reflection of social consciousness of society." Therefore, in operating the sentencing system, law should adopt the corrective machinery or deterrence based on factual matrix. By deft modulation, sentencing process be stern where it should be, and tempered with mercy where it warrants to be. The facts and given circumstances in each case, the nature of the crime, the manner in which it was planned and committed, the motive for commission of the crime, the conduct of the appellant, the nature of weapons used and all other attending circumstances are relevant facts which would enter into the area of consideration.

Relying upon the decision of this Court in Sevaka Perumal v. State of T.N. [(1991) 3 SCC 471], this Court furthermore held that it was the duty of every court to award proper sentence having regard to the nature of the offence and the manner in which it was executed or committed etc.

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18. Don M. Gottfredson in his essay on "Sentencing Guidelines" in "Sentencing by Hyman Gross and Andrew von Hirsch" opines:

"It is a common claim in the literature of criminal justice and indeed in the popular press that there is considerable "disparity" in sentencing. The word "disparity" has become a prerogative and the concept of "sentencing disparity" now carries with it the connotation of biased or insidious practices on the part of the judges. This is unfortunate in that much otherwise valid criticism has failed to separate justified variation from the unjustified variation referred to as disparity. The phrase "unwarranted disparity" may be preferred; not all sentencing variation should be considered unwarranted or disparate. Much of it properly reflects varying degrees of seriousness in the offense and/or varying characteristics of the offender. Dispositional variation that is based upon permissible, rationally relevant and understandably distinctive characteristics of the offender and of the offense may be wholly justified, beneficial and proper, so long as the variable qualities are carefully monitored for consistency and desirability over time. Moreover, since no two offenses or offenders are identical, the labeling of variation as disparity necessarily involves a value judgment- that is, disparity to one person may be simply

justified variation to another. It is only when such variation takes the form of differing sentences for similar offenders committing similar offenses that it can be considered disparate."

[Emphasis supplied]

The learned author further opines:

"In many jurisdictions, judicial discretion is nearly unlimited as to whether or not to incarcerate an individual; and bound only by statutory maxima, leaving a broad range of discretion, as to the length of sentence."

19. Kevin R. Reitz in Encyclopedia of Crime and Justice, Second edition "Sentencing guidelines" states:

"All guideline jurisdictions have found it necessary to create rules that identify the factual issues at sentencing that must be resolved under the guidelines, those that are potentially relevant to a sentencing decision, and those viewed as forbidden considerations that may not be taken into account by sentencing courts. One heated controversy, addressed differently across jurisdictions, is whether the guideline sentence should be based exclusively on crimes for which offenders have been convicted ("conviction offenses"), or whether a guideline sentence should also reflect additional alleged criminal conduct for which formal convictions have not been obtained ("non-conviction offenses").

Another difficult issue of fact-finding at sentence for guideline designers has been the degree to which trial judges should be permitted to consider the personal characteristics of offenders as mitigating factors when imposing sentence. For example: Is the defendant a single

parent with young children at home? Is the defendant a drug addict but a good candidate for drug treatment? Has the defendant struggled to overcome conditions of economic, social or educational deprivation prior to the offense? Was the defendant's criminal behavior explicable in part by youth, inexperience, or an unformed ability to resist peer pressure? Most guideline states, once again including all jurisdictions with voluntary guidelines, allow trial courts latitude to sentence outside of the guideline ranges based on the Judge's assessment of such offender characteristics. Some states, fearing that race or class disparities might be exacerbated by unguided consideration of such factors, have placed limits on the list of eligible concerns. (However, such factors may indirectly affect the sentence, since judges are permitted to base departures on the offender's particular 'amenability' to probation (Frase, 1997).)"

20. Andrew von Hirsch and Nils Jareborg have divided the process of determining sentence into stages of determining proportionality while determining a sentence, namely:

- 1. What interests are violated or threatened by the standard case of the crime- physical integrity, material support and amenity, freedom from humiliation, privacy and autonomy.*
- 2. Effect of violating those interests on the living standards of a typical victim- minimum well-being, adequate well-being, significant enhancement*
- 3. Culpability of the offender*

4. Remoteness of the actual harm as seen by a reasonable man.'

14. Keeping the aforesaid principles in mind, it is evident that the offence in question is not in the nature as would be dangerous to national integrity or shocking to the public conscience.

15. The object of punishment is not only to punish but also to rehabilitate the offenders in society. Where a litigant reflects a strong possibility of improvement and reformative behaviour, the process of law should come to the aid of such a litigant so as to ensure his reintegration into society.

16. I find that the prolonged incarceration, the protracted criminal trial and the consequent agony faced by the petitioner, the actual sentence out of the total sentence already undergone by the petitioner, the reformative tendency shown by the petitioner by not indulging in any other offence, the age of the petitioner at the time of the incident, his conduct of having repaid the loan as well as the legal principles reproduced above, are sufficient mitigating circumstances.

17. Consequently, the judgment of conviction dated 02.11.2006 passed by the Judicial Magistrate First Class, Dasuya in case bearing Police Challan No.54 dated 30.05.2002, arising out of FIR bearing No.132 dated 14.10.2001, under Sections 465, 468 and 471 of the Indian Penal Code, 1860, registered at Police Station City Mukerian, District Hoshiarpur, as well as the

judgment dated 06.12.2011 passed by the Additional Sessions Judge, Hoshiarpur, in criminal appeal bearing No.104 dated 09.11.2006, are affirmed. However, the order of sentence dated 02.11.2006 is modified, and the sentence awarded to the petitioner is reduced to the period already undergone by him.

18. The present petition is accordingly **partly allowed**.

May 27, 2026.
raaj arora

(VINOD S. BHARDWAJ)
JUDGE

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