

Present: Vs. State of Punjab

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Court : Punjab and Haryana

Decided On : Jan-22-2014

Appellant : Present:

Respondent : State of Punjab

Judgement :

Criminal Revn.No.4068 of 2013 /1/ IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH Criminal Revn.No.4068 of 2013 Date of Decision: January 22, 2014 Bachan ChandPetitioner Versus State of PunjabRespondent CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA Present: Present Mr.Arun Takhi, Advocate for the petitioner. <><><> TEJINDER SINGH DHINDSA, J.

The instant revision petition is directed against the order dated 3.10.2013 passed by the learned Additional Sessions Judge, Hoshiarpur upholding the judgment of conviction and order of sentence dated 18.12.2012 passed by the Additional Chief Judicial Magistrate, Hoshiarpur whereby the petitioner has been convicted to undergo rigorous imprisonment for two years and a fine of `1,000/- under Section 409 of the Indian Penal Code, and in default thereof, to further undergo rigorous imprisonment for one month.

2. At the very outset, Mr.Arun Takhi, learned counsel appearing for the petitioner would state that in the light of the consistent and cogent evidence adduced on record, he would not be pressing the instant revision petition to assail the

conviction of Malik Sushama Rani 2014.01.27 13:03 I attest to the accuracy and integrity of this document Criminal Revn.No.4068 of 2013 /2/ the petitioner on merits. Learned counsel, accordingly, argues that in view of the mitigating circumstance that the petitioner has faced a prolonged trial over a period of ten years, a lenient view be taken insofar as the sentence is concerned.

3. Learned counsel has been heard and the case paper book has been perused.

4. The facts that would emerge from the pleadings on record are that petitioner Bachan Chand had been charged with mis-appropriation of financial sums of Dhamian Kalan Co- operative Society, Hoshiarpur while working as Secretary of the Society. The prosecution had examined as many as 16 witnesses and the consistent version that was put forth was towards the petitioner having embezzled the amount of the Society. All the prosecution witnesses were cross-examined at length by the defence counsel, but their testimony could not be shaken. Based on due appreciation of evidence adduced, the Courts below have returned a concurrent finding that the petitioner made entries as regards the concerned amount in the pass books of the respective account holders but did not make corresponding entries in the ledger of the Society. Such fact stood duly proved from the audit report, Exhibit PW16/A.

5. The petitioner has been held guilty for an offence of criminal breach of trust in the capacity of serving as a public servant under Section 409 of the Indian Penal Code and which offence is punishable with imprisonment for life or with imprisonment of either description for a term which may extend to ten years and also be liable for imposition of fine. Malik Sushama Rani 2014.01.27 13:03 I attest to the accuracy and integrity of this document Criminal Revn.No.4068 of 2013 /3/

6. The petitioner has been sentenced to undergo rigorous imprisonment for a period of two years and to pay a sum of `1,000/- as fine and in default thereof, to further undergo rigorous imprisonment for one month. In view of the serious offence for which the petitioner stands convicted under Section 409 of the Indian Penal Code, there would be no basis that would warrant interference under the restricted revisional jurisdiction of this Court under Section 401 of the Code of Criminal Procedure.

7. No merit. Dismissed. (TEJINDER SINGH DHINDSA) JANUARY22 2014
JUDGE SRM Note: Whether to be referred to Reporter?. (Yes/No) Malik Sushama
Rani 2014.01.27 13:03 I attest to the accuracy and integrity of this document

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