

(1984) 10 P&H CK 0040
In the Punjab And Haryana At Chandigarh
Case No : Criminal Revision No. 970 of 1982

Devinder Dev

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 31-10-1984

Acts Referred:

Citation : (1985) 1 AICLR 67

Hon'ble Judges : S.S.Dewan, J

Advocate : G.S. Tulsi, M.S. Sethi, Advocates for appearing Parties

Judgement

S.S. Dewan, J.—This Criminal Revision arises out of the appellate judgment of the learned Sessions Judge, Amritsar, maintaining the conviction and sentence of 2 years rigorous imprisonment and a fine of Rs. 800/ passed on the petitioner by the Judicial Magistrate 1st Class, Amritsar.

2. The prosecution case is in a very narrow compass. Sometime in the month of June, 1978, the petitioner forged the applications of some persons as mentioned in the chargesheet and some certificates of HouseTax Department of the Municipal Corporation, Amritsar and fraudulently used those documents as genuine to take delivery of cement. The petitioner pleaded not guilty to the charge and his case was that he had been falsely implicated in this case and examined 2 witnesses in defence.

3. The question to be determined in this case is whether the applications and the certificates allegedly forged by the petitioner can be regarded as a valuable security within the meaning of S. 30 of the Indian Penal Code. In my view these documents cannot be described as valuable security. Therefore, the petitioner could not in any event be convicted under S. 467, Indian Penal Code. I, therefore, alter his conviction from under S. 467 to one under S. 465, Indian Penal Code.

4. The learned defence counsel has suggested that the benign provisions of S. 360, Criminal Procedure Code, be invoked to put the petitioner on the road of

reformation. Emphasis is laid on the fact that the occurrence took place as far back as 1978 and the petitioner had already undergone about one months imprisonment. There is some substance in his contention. The petitioner has undergone protracted trial since 1978 which must have put him to an immense uncertainty besides the fear that he might have to undergo the remaining imprisonment as imposed upon him by the trial Court. It is not only consideration but the cumulative effect of all these which does make room in favour of the petitioner that he be given a chance to reform himself. Consequently applying the principles of S. 360, Criminal Procedure Code, 1973, it is proposed to suspend the sentence of the petitioner and he need not undergo any imprisonment or subject himself for payment of fine. Thus instead it is directed that he be released on probation for a period of one year subject to his entering into a bond in the sum of Rs. 2,000/ with one surety in the like amount with the direction that he should keep peace and be of good behaviour and to appear and receive the sentence when called upon to do so by the trial Court during the aforesaid period. The petitioner is directed to furnish the requisite bonds to the satisfaction of the Chief Judicial Magistrate, Amritsar, within a period of two months from today.

5. The Criminal revision is allowed to this extent and the order dated September 14, 1984, stands modified.

Revision allowed.