
(2010) 04 P&H CK 0311
In the Punjab And Haryana At Chandigarh

Surinder Singh, Jaswant Singh and Another and Nirmala Rani and Another APPELLANT

Vs

State of Punjab RESPONDENT

Date of Decision : 26-04-2010

Acts Referred:

Penal Code, 1860 (IPC) — Section 120B, 34, 419, 420, 467

Citation : (2010) 04 P&H CK 0311

Hon'ble Judges : Kanwaljit Singh Ahluwalia, J

Bench : Single Bench

Judgement

Kanwaljit Singh Ahluwalia, J.

Criminal Misc. No. 21329 of 2010 in

Criminal Revision No. 1926 of 2002

1. Application is allowed. Affidavit dated 5th March, 2009 of the complainant Prem Singh is taken on record.

2. By this common order, (1) Criminal Revision No. 1899 of 2002 preferred by Jaswant Singh and Charan Singh (2) Criminal Revision No. 1926 of 2002 preferred by Surinder Singh and (3) Criminal Revision No. 1948 of 2002 preferred by Nirmala Rani and Sohan Lal Singla, shall be decided altogether.

3. In the present case, FIR was lodged by Prem Singh PW-6. He was married to Santosh Rani PW-5. In the FIR, complainant stated that his wife Santosh Rani and mother-in-law Hukma Devi were owner in possession of 3 Bighas 12 Biswas of land comprised in Khasra No. 2518. One Nirmala Rani wife of Surinder Pal was also owner of 1 Bigha 14 Biswas of land out of this Khasra Number. She had sold 1 Bigha 13 Biswas of land to various persons. Later-on it was learnt that one Nirmala Rani wife of Raj Kumar had sold the land to various persons, impersonating as Nirmala Rani wife of Surinder Pal. The trial Court found the present petitioners along with co-accused Gurtej Singh and Ashok Kumar guilty

of the offence punishable under Sections 420, 419, 467, 120B, 468, 471 IPC. They were sentenced as under:

Nirmala Rani Section 420 IPC R.I. for 1 1/2 years Fine Rs. 300/- I.D. 1 1/2 months Section 419 IPC R.I. for 1 year Fine Rs. 200/- I.D. 1 month Section 467 IPC R.I. for 2 years Fine Rs. 400/- I.D. 2 months Section 468 IPC R.I. for 1 1/2 years Fine Rs. 200/- I.D. 1 1/2 months Section 471 IPC R.I. for 6 months Fine Rs. 100/- I.D. 20 days. Sohan Lal Section 420 IPC R.I. for 1 1/2 years Fine Rs. 300/- I.D. 1 1/2 months Section 419/34 R.I. for 1 year Fine Rs. 200/- IPC I.D. 1 month Section 120B R.I. for 2 yrs Fine Rs. 300/- IPC I.D. 2 months Section 468 IPC R.I. for 1 1/2 years Fine Rs. 200/- I.D. 1 1/2 months Section 471 IPC R.I. for 6 months Fine Rs. 100/- I.D. 20 days. Charan Singh Section 420 IPC R.I. for 1 1/2 years Fine Rs. 300/- I.D. 1 1/2 months Section 467 IPC R.I. for 2 years Fine Rs. 400/- I.D. 2 months Section 468 IPC R.I. for 1 1/2 years Fine Rs. 200/- I.D. 1 1/2 months Section 471 IPC R.I. for 6 months Fine Rs. 100/- I.D. 20 days. Surinder Section 420 IPC R.I. for 1 1/2 years Fine Rs. 300/- Singh I.D. 1 1/2 months Section 467 IPC R.I. for 2 years Fine Rs. 400/- I.D. 2 months Section 468 IPC R.I. for 1 1/2 years Fine Rs. 200/- I.D. 1 1/2 months Section 471 IPC R.I. for 6 months Fine Rs. 100/- I.D. 20 days. Jaswant Singh Section 420 IPC R.I. for 1 1/2 years Fine Rs. 300/- I.D. 1 1/2 months Section 467 IPC R.I. for 2 years Fine Rs. 400/- I.D. 2 months Section 468 IPC R.I. for 1 1/2 years Fine Rs. 200/- I.D. 1 1/2 months Section 471 IPC R.I. for 6 months Fine Rs. 100/- I.D. 20 days. Gurtej Singh Section 420 IPC R.I. for 1 1/2 years Fine Rs. 300/- I.D. 1 1/2 months Section 419/34 R.I. for 1 year Fine Rs. 200/- IPC I.D. 1 month Section 120B R.I. for 2 yrs Fine Rs. 300/- IPC I.D. 2 months Section 468 IPC R.I. for 1 1/2 years Fine Rs. 200/- I.D. 1 1/2 months Section 471 IPC R.I. for 6 months Fine Rs. 100/- I.D. 20 days. Ashok Kumar Section 420 IPC R.I. for 1 1/2 years Fine Rs.300/- I.D. 1 1/2 months Section 419/34 R.I. for 1 year Fine Rs.200/- IPC I.D. 1 month Section 120B R.I. for 2 yrs Fine Rs.300/- IPC I.D. 2 months Section 468 IPC R.I. for 1 1/2 years Fine Rs.200/- I.D. 1 1/2 months Section 471 IPC R.I. for 6 months Fine Rs.100/- I.D. 20 days.

4. All the sentences were ordered to run concurrently.

5. The appeal filed by Gurtej Singh and Ashok Kumar was accepted, whereas the appeals of the present petitioners were dismissed. Their conviction and sentence was maintained. Hence the present petitions.

6. Today, an application bearing Criminal Misc. No. 21329 of 2010 has been filed, in which an affidavit of the complainant has been placed on record to say that a compromise has been effected between the parties. A separate statement of the complainant Prem Singh has been recorded today in Court. The same be read as a part of this order.

7. It has also been submitted that the fine has already been paid.

8. The alleged sale deed was executed on 6th December, 1991. A period of about

19 years is going to elapse. Taking into consideration the very fact that the parties have arrived at a compromise as well as the fact that the accused petitioners have suffered mental pain and agony of a protracted trial, this Court is of the opinion that the same can be considered as a mitigating circumstance and the sentence awarded to the petitioners is reduced to the period already undergone.

9. With the observations made above, above mentioned three revision petitions are disposed of.