

**(2011) 03 P&H CK 0267**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** CRA No. 1363-SB of 2002

Dharam Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

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**Date of Decision:** March 30, 2011

**Acts Referred:**

- Prevention of Corruption Act, 1988 - Section 13(1), 13(2), 7

**Hon'ble Judges:** Augustine George Masih, J

**Bench:** Single Bench

**Final Decision:** Dismissed

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### **Judgement**

Augustine George Masih, J.

Appellant, who was working as Senior Head Clerk in the office of Account Officer, Telephone Revenue Account, was convicted under Sections 7 and 13(1)(2) of the Prevention of Corruption Act, 1988 ( hereinafter referred to as Act) and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs. 500/- and in default of payment of fine to further undergo rigorous imprisonment for a period of one month each under Sections 7 and 13(1)(2) of the Act for a demand and acceptance of Rs. 100/- as illegal gratification for preparing a revised bill for a reduced amount, which was initially for an amount of Rs. 1788/-. Both the sentences were ordered to run concurrently. On the basis of the evidence led by the prosecution, the trial Court had convicted and sentenced the Appellant leading to the filling of the present appeal.

2. During hearing of the case, counsel for the Appellant does not press the appeal on merits but confines his submissions to the quantum of sentence which was imposed by the trial Court.

3. He submits that the Appellant at the time of his sentence was of 61 years of age, which was in the year 2002. Now he is about 70 years of age and is suffering from various ailments. Because of his conviction in the present case, the Appellant was

dismissed from service and now at this old age and frail health, if he is now again sent to jail, he would not be in a position to survive in those circumstances. He submits that the Appellant had, during the trial, remained in custody for 12 days and thus prays that sentence of imprisonment be reduced to that already undergone but his fine be sustained. He places reliance on the judgment of this Court in the case of Sucha Singh v. State of Punjab 2007(2) RCR 410 wherein under the Act the sentence was reduced to already undergone keeping in view the fact that the Appellant has faced trial and appeal for a long time. In the light of these submissions, he prays that the appeal be allowed to the limited extent as stated above.

4. Counsel for the Respondent-State does not dispute the fact with regard to the age of the Appellant.

5. I have heard learned Counsel for the parties.

6. The factum of the Appellant being of the age of 70 years is not disputed. Counsel for the Appellant has submitted that he has already been dismissed from service in the light of his conviction in the present case because of which he has lost his source of livelihood. The health of the Appellant is not good and he is suffering from various ailments. Keeping these circumstances in view, I am of the considered view that the conviction of the Appellant be sustained and the ends of justice would be amply served if the sentence of imprisonment imposed upon the Appellant is reduced to that already undergone. However, Appellant would deposit the amount of fine imposed by the trial Court i.e Rs. 500/- each under Sections 7 and 13(1)(2) of the Act, if already not deposited, within a period of two months from today failing which the Appellant would undergo rigorous imprisonment for a period of one month.

7. Appeal stands dismissed with the above modification in the sentence.