(2005) 05 P&H CK 0166

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Revision No. 732 of 1990

Mohinder Singh		APPELLANT
	Vs	
State of Haryana		RESPONDENT

Date of Decision: May 25, 2005

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 313
- Penal Code, 1860 (IPC) - Section 409

Citation: (2005) 14 CriminalCC 877

Hon'ble Judges: S.N. Aggarwal, J

Bench: Single Bench

Advocate: P.K. Mutneja, for the Appellant;

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

S.N. Aggarwal, J.
This revision petition was filed by the petitioner against the judgment dated 1.8.1990 by which the appeal filed by him against his conviction and sentence u/s 409 IPC was dismissed by the court of learned Sessions Judge, Hissar.

2. The facts of the case are that Mohinder Singh-petitioner was Adda conductor at Bus Stand, Hissar in Haryana Roadways. On 5.4.1977 he had collected a sum of Rs.3,167.95 from the sale of tickets from the passengers vide way bill No. 12965 dated 5.4.1977. This amount was to be deposited by him with the accountant of Haryana Roadways Bus Stand, Hissar but he failed to do so. On this the General Manager, Haryana Roadways, Hissar wrote a letter dated 18.6.1977 to the Senior Superintendent of Police, Hissar and got the present case registered against him. The matter was investigated and the challan was presented against the petitioner.

3. Charge u/s 409 IPC was framed against him but the petitioner had pleaded not guilty to the charge.

4. In support of its case, the prosecution examined Sunder Lal, Booking Incharge as PW1, Atma Nand ASI as PW2, ASI Mehar Singh as PW3, Jagdish Lal Bhaskar as PW4, and Bhim Singh as PW5. The prosecution closed its evidence.

5. In his statement recorded u/s 313 Cr.P.C., the petitioner claimed to innocent and pleaded false implication.

6. On the basis of this evidence, the learned trial court convicted the petitioner for having committed an offence punishable u/s 409 IPC vide judgment dated 27.9.1989. He was sentenced to rigorous imprisonment for a period of two years and to fine amount of Rs. 1,000/-. In default of payment of fine, he was to further undergo rigorous imprisonment for six months.

7. The fine amount was paid by the petitioner. The petitioner had filed the appeal against this judgment which was dismissed by the court of learned Sessions Judge, Hissar on 1.8.1990.

8. Learned counsel for the petitioner does not challenge the conviction of the petitioner.

9. The conviction of the petitioner has been upheld by both the courts below by giving concurrent finding. Even otherwise also, I have gone through the statements of the witnesses. The embezzlement of Rs.3,167.95 is clearly proved against the petitioner. Therefore, the conviction of the petitioner is upheld.

10. Submission of learned counsel for the petitioner was that alleged offence was committed by the petitioner on 5.4.1977. The case remained pending in the learned trial court for about twelve years and he was convicted on 29.9.1989. The appeal also remained pending for one year when it was dismissed on 1.8.1990. His revision petition also remained pending in this Court for about 15 years. It was also submitted that petitioner has already deposited the amount of fine. He has undergone more than 45 days of imprisonment. Hence, leniency was prayed.

11. The amount of embezzlement made by the petitioner was only Rs.3,167.95. He has undergone 45 days of rigorous imprisonment and he has also deposited the amount of fine. He has faced the trial for about 18 years, therefore, his sentence is reduced to the period already undergone by him.