(2014) 07 P&H CK 0753

High Court Of Punjab And Haryana At Chandigarh

Case No: CRR-1223-2014 (O&M)

Chaman Lal		APPELLANT
	Vs	
State of Punjab		RESPONDENT

Date of Decision: July 18, 2014

Acts Referred:

- Penal Code, 1860 (IPC) - Section 120B, 467, 468

Hon'ble Judges: R.P. Nagrath, J

Bench: Single Bench

Advocate: K.K. Madan, Advocate for the Appellant; Luvinder Sofat, AAG, Punjab, Advocate for the Respondent

Judgement

R.P. Nagrath, J.

The instant revision has been preferred to challenge the concurrent findings recorded against the petitioner under Sections 120B/467/468 of the Indian Penal Code (IPC) by both the Courts below. The trial Court sentenced the petitioner as under:-

All the sentences were to run concurrently. The sentence was affirmed by the Ist Appellate Court. As per custody certificate produced by the learned State counsel, the petitioner has already undergone about 8 months of imprisonment.

2. The prosecution version is that complainant Palvir Singh S/o Shingara Singh was the owner of 12 kanals 9 marlas of land. He had a dispute regarding 8 kanals of the land with Balkar Singh who was residing in United States. Partition proceedings, however, were pending before the Revenue Court. The complainant reported to the police that on 30.5.2002, Balkar Singh aforesaid in connivance with Deepak Kumar got executed a sale deed of 4 kanal 12 marlas 232 sq. ft. of the land belonging to the complainant by impersonation. Sale deed was attested as a witness by the petitioner as Numberdar of the village.

3. The complainant appeared as PW-3 and stated that the disputed sale deed Ex. PW-2/A was not executed by him and is a forged document. The complainant also stated that photograph existed on the sale deed is not his photograph. The Courts below have found that the testimony of complainant could not be shattered despite his cross-examination. Even the sale deed has been set aside by the Civil Court in a suit filed by the complainant. Ex. P-5 is the copy of judgment passed by the Civil Judge (Junior Division) Jalandhar.

4. The fact that the petitioner attested the vendor of the sale deed was not in fact disputed as observed by the Appellate Court. When the matter was listed on 22.4.2014, the learned petitioner''s counsel did not challenge the conviction of the petitioner on merits and, therefore, notice of motion was issued only qua the quantum of sentence. Even otherwise, the concurrent findings of conviction recorded by both the Courts below could not have been interfered unless there is some perversity or illegality committed by the lower Courts.

5. The petitioner is the Numberdar of the village and it seems that with a greed for petty amount he identified the vendor who was an impostor. The persons behind the preparation of sale deed were not arrested. As per observations of the trial Court two of the accused persons, namely, Deepak Kumar and Varinder Kumar were declared proclaimed offenders and fourth accused-Harjinder Singh had died during the trial and proceedings against him abated. The petitioner himself does not seem to be the real beneficiary in respect of property transferred vide the questioned sale deed and those who tried to grab the land of the complainant have absconded. As per custody certificate, the petitioner has undergone 8 months of imprisonment. Being Numberdar of the village, petitioner, however, had a greater responsibility while identifying the vendor of a sale deed and is not supposed to act simply because another person also attested the sale deed.

6. In the circumstances of the case, I find it appropriate if the sentence awarded to the petitioner is reduced to some extent. The sentence of imprisonment u/s 467 IPC is reduced from 3 years to 11/2 years. Rest of the sentences are maintained. All the sentences of course would run concurrently.

7. The instant revision is partly allowed with the above modification in the sentence awarded but the revision on merits is dismissed.

Copy of this order be sent to all the concerned for compliance.