

Pramod Kumar vs. State of HP

Cr. Revision No. 478 of 2025
Reserved on : 25.08.2025

02.09.2025 Present: M/s Digvijay Singh and Pragti, Advocates, for
the petitioner.

Mr. Ajit Sharma, Deputy Advocate General,
for the respondent/ State.

Cr. Revision No. 478 of 2025

Heard.

The learned Trial Court convicted the accused for commission of offences punishable under Sections 403, 409, 467, 468 and 471 of Indian Penal Code (hereinafter referred as 'IPC'), on the allegations that he was posted as a Single Window Operator and transferred the pension of various persons to the accounts of the co-accused and his relatives.

Prima facie, the conviction of the accused for the commission of offences punishable under Sections 403 and 409 of IPC is not sustainable, because in Section 403 IPC the property is innocently acquired and is wrongfully retained, whereas in Section 409 IPC the property is acquired with the consent of the owner but dishonestly misappropriated. Section 403 IPC does not require the entrustment, whereas, Section 409 IPC requires the same.

Hence, there are arguable points in the present revision which requires an adjudication.

Records of the Courts below be requisitioned.

Cr.MP No. 3682 of 2025

The present application has been filed for suspension of sentence awarded by the learned Trial Court. It appears from the perusal of the judgment and order dated 29.05.2024 & 11.06.2024 respectively of the learned Trial Court, in case titled “State of HP vs. Parmod Kumar & Anr.”, that the applicant was convicted and sentenced as under:-

- (i) To undergo simple imprisonment for a period of two years, pay a fine of ₹10,000/- under Section 403 of IPC and in case of default of payment of fine, to further undergo simple imprisonment for 30 days.
- (ii) To undergo simple imprisonment for a period of three years, pay a fine of ₹10,000/- under Section 409 of IPC and in case of default of payment of fine, to further undergo simple imprisonment for 30 days.
- (iii) To undergo simple imprisonment for a period of three years, pay a fine of ₹10,000/- under Section 467 of IPC and in case of default of payment of fine, to further undergo simple imprisonment for 30 days.

- (iv) To undergo simple imprisonment for a period of three years, pay a fine of ₹10,000/- under Section 468 of IPC and in case of default of payment of fine, to further undergo simple imprisonment for 30 days.
- (v) To undergo simple imprisonment for a period of two years, pay a fine of ₹10,000/- under Section 471 of IPC and in case of default of payment of fine, to further undergo simple imprisonment for 30 days.

All the substantive sentences were ordered to run concurrently.

Keeping in view the fact that the revision is not likely to be heard at the earliest as so many revisions are pending for disposal, therefore, it is ordered that the operation and execution of the impugned sentence passed by learned Trial Court and as affirmed by learned Additional Sessions Judge, Sarkaghat, District Mandi (HP) (learned Appellate Court), in Criminal Appeal No. 13 of 2024, dated 29.07.2025, shall remain suspended till further orders, subject to furnishing of personal and surety bonds in the sum of ₹50,000/- to the satisfaction of learned Trial Court with an undertaking to appear and serve sentence, in case of dismissal of the present revision and subject to deposit of fine amount, if not deposited earlier, within a period of one month from today.

A copy of this order be sent to the learned Trial Court for information.

The present application stands disposed of.

Learned Trial Court is directed to transmit the bail bonds, so furnished by the applicant before it, for placing the same on record.

(Rakesh Kainthla)
Judge

02nd September, 2025
(Anurag)