

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 728 OF 2011
(@ SLP No. 6690 of 2010)

JEETA RAM . . . APPELLANT

VERSUS

STATE OF HARYANA & ANR. . . RESPONDENT

O R D E R

Delay condoned.

Leave granted.

This appeal is directed against the judgment dated September 2, 2009 rendered by the learned Single Judge of the High Court of Punjab and Haryana at Chandigarh in Criminal Revision No. 2235 of 2009 by which the judgment passed by the learned Additional District Judge, Karnal on July 20, 2009 dismissing Criminal Appeal No. 112/2008 of the appellant and upholding the judgment and order passed by the learned Judicial Magistrate, First Class, Karnal on 5.5.2008 in Criminal Case No. 711/1 of 2006 convicting the appellant under Section 420 IPC and sentencing him to RI for two years and fine of Rs. 1000/- in default SI for one month, is maintained.

One Mr. Pala Ram had filed complaint mentioning inter alia that the appellant was owner in possession of land measuring 3 Biswas being 3/92 share of land bearing No. 4(B)-12(B) comprised of Khewat No. 2027 situated near Sugar Mill and had executed an agreement to sell dated April 6, 1999 in respect of 3 Biswas of land in favour of complainant for consideration of Rs. 18,000/- which was paid to the appellant at the time of execution of agreement but the appellant had refused to execute the final sale deed. According to the complainant, he had

subsequently learnt that the appellant was not owner of the land agreed to be sold to the complainant at all and the true owner of the land was Surta who had already sold the land to one Dharam Pal and Sat Prakash vide registered sale-deed dated January 18, 1972. The complaint was investigated by police and chargesheet was submitted for commission of offences under Sections 420, 467, 468 and 471 IPC. The learned Magistrate convicted the appellant under Section 420 IPC and sentenced him to undergo RI for two years and pay fine of Rs. 1,000/- in default SI for three months.

Feeling aggrieved, the appellant preferred Criminal Appeal No. 112 of 2008 before the Sessions Court and the same was dismissed by judgment dated 20.7.2009 Against the Appellate Court judgement, the appellant had filed Revision Petition before the High Court. The High Court has also dismissed the same by the impugned judgment giving rise to the instant appeal.

The special leave petition was listed before this Court for a preliminary hearing on August 2, 2010 and after hearing the learned counsel for the appellant following order was passed :-

"This Court has heard the learned counsel for the petitioner. The Court does not find any merits in the special leave petition and therefore, the petition is liable to be dismissed. However, having regard to the facts of the case notice deserves to be issued only on the question of sentence.

Hence, issue notice on the application for condonation of delay as well as on the special leave petition confined to question of sentence."

This Court has heard the learned counsel for the parties and considered the documents forming part of the appeal. The record shows that the appellant is aged about 70 years. This fact becomes evident from the I-card issued by the Election Commission of India extract of which is to be found on running page 13 of the

compilation. The incident is an old one. The learned
counsel for the appellant states at the Bar that by this
time the appellant has undergone imprisonment for a period
of approximately 20 months. This statement made by the
learned counsel for the appellant is not controverted by
the learned counsel for the State Government.

On the facts and in the circumstances of the case,
the Court is of the opinion that interest of justice would
be served if the conviction of the appellant under Section
420 IPC upheld by the High Court is confirmed and the
appellant is sentenced to the period already undergone by
him.

For the foregoing reasons, the appeal partly
succeeds. The conviction of the appellant under Section
420 IPC is hereby confirmed and the appellant is sentenced
to the period already undergone by him in jail.

Subject to the above mentioned modification in
sentence, the appeal stands disposed of.

.....J.
(J.M. PANCHAL)

.....J.
(H.L. GOKHALE)

NEW DELHI;
DATED MARCH 15, 2011

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ITEM NO.26 COURT NO.13 SECTION IIB

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).6690/2010

(From the judgement and order dated 02/09/2009 in CRLR No.
2235/2009 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

JEETA RAM Petitioner(s)

VERSUS

STATE OF HARYANA & ANR. Respondent(s)

(With appln(s) for c/delay in filing SLP,bail,suspension of sentence)

Date: 15/03/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.M. PANCHAL
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr. Dharendra Kr. Mishra, Adv.
Mr. Nitin Soam, Adv.
Mrs Sarla Chandra,Adv.

For Respondent(s) Mr. Johrimal, AAG
Mr. Kamal Mohan Gupta,Adv.

UPON hearing counsel the Court made the following
O R D E R

Delay condoned. Leave granted.
The appeal is disposed of in terms of the
signed order.

(Sonia)
Sr P.A.

(R.K. Sharma)
Court Master

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(Signed order is placed on the file).