

2025:PHHC:113322



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

211

CRR-827-2008

Date of decision: August 26, 2025

RAJ KUMAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kanwaljit Singh, Sr. Advocate with
Ms. Muskan Sharma, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The instant petition has been filed against the impugned judgment of conviction dated 12.04.2008 in case FIR No.21 dated 18.02.2003 under Section 407 of Indian Penal Code, 1860, registered at Police Station City Phagwara, District Kapurthala, Punjab.

2. Learned counsel for the petitioner, at the very outset, submits that he does not wish to assail the findings of conviction as recorded by the learned Trial Court. His challenge is confined exclusively to the quantum of sentence. It is urged that the occurrence pertains to the year 2003, and ever since then, the petitioner has been facing the agony of protracted trial proceedings. Learned counsel further points out that out of the substantive sentence of two years awarded to him, the petitioner has already undergone twenty-five days of imprisonment. In these circumstances, it is prayed that a lenient view be taken.



3. *Per contra*, learned State Counsel opposes the prayer made on behalf of the petitioner. It is submitted that there are specific allegations that the petitioner had misappropriated an amount of ₹2,96,206/- belonging to the complainant's firm, which had been entrusted to him in fiduciary capacity. While it is conceded that the petitioner is not involved in any other FIR, it is urged that in view of the nature and gravity of the offence, he is not entitled to any indulgence or leniency.

4. I have heard learned counsel for the parties and carefully perused the material on record including the judgments passed by the learned trial Court as well as the Lower Appellate Court affirming the conviction of the petitioner. Both the Courts below have concurrently found the petitioner guilty, and their findings are based upon cogent appreciation of evidence. The conviction, therefore, does not suffer from any illegality or perversity warranting interference.

5. It is, however, not in dispute that the incident in question dates back to the year 2003. The petitioner has not been shown to be involved in any other criminal case. He has already suffered the rigors of criminal proceedings for nearly twenty-three years and has undergone a part of the substantive sentence. Having regard to the considerable passage of time, the petitioner's otherwise clean antecedents, and the period of imprisonment already undergone by him, this Court is of the considered opinion that the ends of justice would be adequately met by reducing the substantive



sentence to the period already undergone.

6. Accordingly, while maintaining the conviction of the petitioner under Section 408 IPC, the substantive sentence of two years' imprisonment awarded to him is reduced to the period already undergone. However, there shall be no alteration with regard to fine.

7. The instant revision petition is accordingly disposed of in the above terms.

August 26, 2025

Jaspreet Kaur

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*