

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32996-2015

Date of decision: September 15, 2017.

Ranjit Kaur

... **Petitioner**

v.

State of Punjab

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri H.S. Brar, Advocate for the petitioner.
Shri Dhruv Dayal, Sr. D.A.G., Punjab

A.B. Chaudhari, J. (Oral):

By the present petition, the petitioner seeks the following relief:-

“Petition under Section 482 of Code of Criminal Procedure praying for the issuance of direction for ordering the sentence awarded to the petitioner in the following 69 challan cases in FIR No.21, dated 28.05.1996 registered at Police Station Vigilance Bureau, Ferozepur, Range Ferozepur Offence U/s 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 and U/s 465/471/420/409 IPC to run concurrently in the interest of justice, equity and fair play.

1. *Challan No.1, Sessions Case No.5 of 03.06.2004 decided on 15.09.2006.*
2. *Challan No.2, Sessions Case No.6 of 18.04.2000 RT No.26 of 03.06.2004 decided on 08.08.2006.*
3. *Challan No.3, Sessions Case No.5 of 18.04.2000 RT No.17 of 03.06.2004 decided on 04.07.2006.*
4. *Challan No.4, Sessions Case No.3 of 18.04.2000 RT No.52 of 03.06.2004 decided on 10.05.2006.*
5. *Challan No.5, Sessions Case No.4 of 18.04.2000 RT No.54 of 03.06.2004 decided on 04.07.2006.*
6. *Challan No.6, Sessions Case No.11 of 05.07.2000 RT No.38 of 03.06.2004 decided on 10.05.2006.*
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8. *Challan No.8, Sessions Case No.13 of 05.07.2000 RT No.50 of 03.06.2004 decided on 10.05.2006.*
9. *Challan No.9, Sessions Case No.14 of 05.07.2000 RT No.41 of 03.06.2004 decided on 03.11.2006.*
10. *Challan No.10, Sessions Case No.2 of 02.04.2002 RT No.43 of 03.06.2004 decided on 08.08.2006.*

11. *Challan No.11, Sessions Case No.85 of 12.10.2004 decided on 10.11.2006*
12. *Challan No.12 Sessions Case No.4 of 18.04.2000 RT No.53 of 03.06.2004 decided on 08.08.2006*
13. *Challan No.13 Sessions Case No.01 of 03.04.2002 RT No.45 of 03.06.2004 decided on 10.05.2006*
14. *Challan No.14 Sessions Case No.82 of 12.10.2004 decided on 08.08.2006*
15. *Challan No.15 Sessions Case No.5 of 03.04.2002 RT No.63 of 03.06.2004 decided on 10.05.2006*
16. *Challan No.16 Sessions Case No.4 of 03.04.2002 RT No.62 of 03.06.2004 decided on 10.05.2006*
17. *Challan No.17 Sessions Case No.3 of 03.04.2002 RT No.47 of 03.06.2004 decided on 02.06.2006*
18. *Challan No.18 Sessions Case No.5 of 08.12.1999 RT No.14 of 03.06.2004 decided on 15.09.2006*
19. *Challan No.19 Sessions Case No.6 of 08.12.1999 RT No.55 of 03.06.2004 decided on 10.05.2006*
20. *Challan No.20 Sessions Case No.75 of 11.10.2004 decided on 06.02.2007*
21. *Challan No.21 Sessions Case No.74 of 11.10.2004 decided on 06.02.2007*
22. *Challan No.22 Sessions Case No.76 of 11.10.2004 decided on 06.02.2007*
23. *Challan No.23 Sessions Case No.73 of 11.10.2004 decided on 04.01.2007*
24. *Challan No.24 Sessions Case No.79 of 11.10.2004 decided on 04.01.2007*
25. *Challan No.25 Sessions Case No.4 of 27.03.2003 RT No.35 of 03.06.2004 decided on 10.05.2006*
26. *Challan No.26 Sessions Case No.80 of 12.10.2004 decided on 05.12.2006*
27. *Challan No.27 Sessions Case No.6 of 27.03.2003 RT No.46 of 03.06.2004 decided on 10.05.2006*
28. *Challan No.28 Sessions Case No.03 of 27.03.2003 RT No.30 of 03.06.2004 decided on 10.05.2006*
29. *Challan No.29 Sessions Case No.65 of 27.03.2003 RT No.59 of 03.06.2004 decided on 03.11.2006*
30. *Challan No.30 Sessions Case No.33 of 27.03.2003 RT No.33 of 03.06.2004 decided on 10.05.2006*
31. *Challan No.31 Sessions Case No.8 of 01.05.2003 RT No.31 of 03.06.2004 decided on 15.09.2006*
32. *Challan No.32 Sessions Case No.86 of 12.10.2004 decided on 06.02.2007*
33. *Challan No.33 Sessions Case No.77 of 11.10.2004 decided on 06.02.2007*
34. *Challan No.34 Sessions Case No.9 of 01.05.2003 RT No.37 of 03.06.2004 decided on 04.07.2006*
35. *Challan No.35 Sessions Case No.87 of 11.10.2004 decided on 04.01.2007*
36. *Challan No.36 Sessions Case No.72 of 11.10.2004 decided on 04.01.2007*
37. *Challan No.38 Sessions Case No.12 of 01.05.2003 RT No.29 of 03.06.2004 decided on 08.08.2006*
38. *Challan No.40 Sessions Case No.10 of 01.05.2003 RT No.27 of 02.06.2004 decided on 02.06.2006*
39. *Challan No.41 Sessions Case No.81 of 12.10.2004 decided on 06.02.2007*
40. *Challan No.42 Sessions Case No.11 of 01.05.2003 RT No.51 of 03.06.2004 decided on 10.10.2006*
41. *Challan No.43 Sessions Case No.69 of 09.07.2003 RT No.22 of 03.06.2004 decided on 10.10.2006*
42. *Challan No.44 Sessions Case No.78 of 11.10.2004 decided on 04.01.2007*
43. *Challan No.45 Sessions Case No.84 of 12.10.2004 decided on 10.11.2006*
44. *Challan No.46 Sessions Case No.72 of 09.07.2003 RT No.64 of 03.06.2004 decided on 03.11.2006*
45. *Challan No.47 Sessions Case No.71 of 09.07.2003 RT No.21 of 03.06.2004 decided on 04.07.2006*
46. *Challan No.48 Sessions Case No.73 of 09.07.2003 RT No.20 of 03.06.2004 decided on 04.07.2006*
47. *Challan No.49 Sessions Case No.69 of 07.10.2004 decided on 10.10.2006*
48. *Challan No.50 Sessions Case No.92 of 13.10.2004 decided on 04.01.2007*
49. *Challan No.51 Sessions Case No.91 of 13.10.2004 decided on 05.12.2006*
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51. *Challan No.53 Sessions Case No.70 of 09.07.2003 RT No.61 of 03.06.2004 decided on 02.06.2006*

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53. Challan No.55 Sessions Case No.77 of 29.08.2003 RT No.28 of 03.06.2004 decided on 04.07.2006
54. Challan No.56 Sessions Case No.88 of 13.10.2004 decided on 05.12.2006
55. Challan No.58 Sessions Case No.78 of 29.08.2003 RT No.42 of 03.06.2004 decided on 15.09.2006
56. Challan No.59 Sessions Case No.79 of 29.8.2003 RT No.60 of 03.06.2004 decided on 10.05.2006
57. Challan No.60 Sessions Case No.80 of 29.08.2003 RT No.23 of 03.06.2004 decided on 10.10.2006
58. Challan No.61 Sessions Case No.81 of 29.08.2003 RT No.27 of 03.06.2004 decided on 10.05.2006
59. Challan No.62 Sessions Case No.94 of 13.10.2004 decided on 05.12.2006
60. Challan No.63 Sessions Case No.90 of 13.10.2004 decided on 05.12.2006
61. Challan No.64 Sessions Case No.85 of 15.10.2003 RT No.18 of 03.06.2004 decided on 15.09.2006
62. Challan No.65 Sessions Case No.83 of 15.10.2003 RT No.25 of 03.06.2004 decided on 10.05.2006
63. Challan No.66 Sessions Case No.93 of 13.10.2004 decided on 04.01.2007
64. Challan No.67 Sessions Case No.84 of 15.10.2003 RT No.32 of 03.06.2004 decided on 15.09.2006
65. Challan No.68 Sessions Case No.67 of 07.10.2004 decided on 02.06.2006
66. Challan No.69 Sessions Case No.70 of 07.10.2004 decided on 08.08.2006
67. Challan No.70 Sessions Case No.89 of 13.10.2004 decided on 10.11.2006
68. Challan No.71 Sessions Case No.68 of 07.10.2004 decided on 05.12.2006
69. Challan No.72 Sessions Case No.71 of 07.10.2004 decided on 04.07.2006

It is further prayed that any other order or direction which this Honble Court may deem fit and appropriate in the facts and circumstances of the case may kindly passed.”

The petitioner was working with the Faridkot Central Co-operative Bank Ltd., Faridkot. The petitioner was prosecuted at the behest of said Co-operative Bank for embezzlement of the amount of the bank between the period from 1982 to 1994 while she was working as Junior Clerk. That a total sum alleged against her was @ Rs.3,42,664/- and Rs.7,90,000/-. Learned Counsel for the petitioner submitted that the conviction of the petitioner in all the challans filed against her in respect of the alleged embezzlement by her as aforesaid stood confirmed and therefore, she is undergoing the sentence in jail. The sentence in each case ranges from one year to two years plus fine, which ranges to Rs.200/- to Rs.500/-. Learned Counsel for the petitioner submitted that as a matter of fact, the petitioner could not be proceeded against the in total 72 FIRs with

69 challans in all against her as the period of alleged embezzlement according to the prosecution is from 1982 to 1994 and therefore, one charge sheet for the entire period aforesaid could only have been filed. At any rate, according to him, the total amount of embezzlement as alleged is as aforesaid i.e. Rs.7,90,000/- and Rs.3,42,664/-. He then contended that the facts as well as the evidence in all these cases is the same and cannot be read in isolation and therefore, in terms of the judgment of the Supreme Court in V.K. Bansal V/s State of Haryana and Others, 2013(3) RCR(Crl.) 983, the petitioner would be entitled to the benefit of direction for running of the sentences concurrently. According to him, other decisions of the Hon'ble Supreme Court in the case of Benson V/s State of Kerala, 2016(4) RCR(Crl.) 602 on facts would govern the facts of case which is laid down in the case of V.K. Bansal(supra). In addition, Learned Counsel for the petitioner contended that the petitioner has deposited an amount of Rs.9,21,000/- with the bank and therefore, another reason by the mitigating circumstances existed in her case. After hearing arguments of the Learned Counsel for the petitioner, this court had asked the counsel for the State to find out from the bank the correctness of the statement made by counsel for the petitioner. Accordingly today, counsel for the petitioner has tendered a letter dated 14.09.2017 issued by the Faridkot Central Co-operative Bank Ltd., Faridkot, which is taken on record and marked 'X' for identification. The letter shows that the amount of Rs.9,21,000/- as infact been deposited by the petitioner Ranjit Kaur in the branch sadiq. There is a further mentioned that the Board of Directors has resolved to recover amount of interest on the said amount.

Be that as it may, fact remains that the petitioner has compensated the bank almost in entirety. The petitioner is in jail since 2014. As earlier mentioned by me on facts, the offence though challaned in 69 cases formed part of the same facts and cannot be looked in isolation. The facts in the case of Benson (supra) are almost identical to the present case. In the said case, in para 9, it is stated thus:-

“9. *The maximum sentence in respect of the present crimes is two years' rigorous imprisonment. As per the record, these crimes were committed on the same day. Having considered the matters, we deem it appropriate to direct that the sentences imposed in each of the cases, i.e. (i) CC No.158 of 2004, (ii) CC No.1039 of 2003, (iii) CC No.390 of 2004 and (iv) CC No.1168 of 2006 namely those at Sl. No.9 to 12 respectively as indicated in the sentence chart in the communication dated 27.05.2016 shall run concurrently with the sentence imposed in Crime No.8 which is currently operative. We grant this benefit in respect of substantive sentences to the appellant but maintain the sentences of fine and the default sentences. If the fine as imposed is not deposited, the default sentence or sentences will run consecutively and not concurrently.*”

In that view of the matter, I think in the light of the said Apex Court Judgment, the same view should be taken. In the result, I make the following order:-

ORDER

i) Rule is made absolute in terms of the prayer clause, which reads thus:-

“Petition under Section 482 of Code of Criminal Procedure praying for the issuance of direction for ordering the sentence awarded to the petitioner in the following 69 challan cases in FIR No.21, dated 28.05.1996 registered at Police Station Vigilance Bureau, Ferozpur, Range Ferozpur Offence U/s 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 and U/s 465/471/420/409 IPC to run concurrently in the interest of justice, equity and fair play.

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69. *Challan No.72 Sessions Case No.71 of 07.10.2004 decided on 04.07.2006”*

ii) However, the fine amount in the above cases shall be deposited.

Disposed of.

September 15, 2017.

kadyan

**[A.B. Chaudhari]
Judge**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No