

PETITIONER:
RANDHIR SINGH

Vs.

RESPONDENT:
STATE OF HARYANA & ANR.

DATE OF JUDGMENT: 06/01/2000

BENCH:
S.R.Babu, R.C.Lahoti

JUDGMENT:

RAJENDRA BABU, J. :

This Writ Petition is filed under Article 32 of the Constitution of India challenging conviction under Section 193 Indian Penal Code (IPC) in a proceeding arising in Writ Petition (Criminal) Nos. 356-57 of 1993. On January 17, 1996 an order was made by this Court on receipt of reports from the District Judge, Faridabad and the Central Bureau of Investigation and after issue of a notice as to why the petitioner should not be convicted for forgery of signatures of Shri M.S. Ahlawat, Superintendent of Police on the affidavits dated November 2, 1993 and November 5, 1993 and also for contempt of this Court for furnishing false evidence. Thereafter, this Court passed an order on January 17, 1996 whereby the petitioner was held to have committed the offences under Section 193 IPC and he was sentenced to undergo imprisonment for three months. It is brought to our notice that the petitioner has served out this period of imprisonment. Along with the petitioner Shri M.S. Ahlawat, Superintendent of Police, was also convicted in similar circumstances. He filed a Writ Petition (Criminal) No. 353 of 1997 challenging his conviction under Section 193 IPC. On October 27, 1999, we allowed the said Writ Petition (Criminal) No. 353 of 1997 by setting aside the conviction under Section 193 IPC. By accepting the plea as to non-compliance with the procedure required under Section 195 Cr.P.C. read with Section 340 Cr.P.C. and also on account of want of original jurisdiction of this Court to try a criminal offence under Section 193 IPC, we held that the punishment was liable to be quashed. The situation in the present case is identical on this aspect. Following the said judgment and for the reasons stated therein the sentence imposed upon the petitioner under Section 193 IPC is also liable to be quashed.

At this stage, the petitioner has filed an affidavit, inter alia, stating :- That I undertake to this Honble Court that in case my conviction U/s 193 IPC is set-aside I will not claim any compensation or initiate any proceedings before this Honble Court or any other court arising out of my conviction U/s 193 IPC or for the sentence I had undergone pursuant to the said conviction, save and except

using any order passed by this Honble Court, setting aside my conviction U/s 193 IPC in any proceedings initiated by State in relation to my service in the Haryana Police and/or any departmental proceedings.

Considering the special features of the case, we do not think that this is a fit case to direct the filing of a complaint in the competent court as envisaged by Section 340 Cr.P.C. because the petitioner has already undergone the sentence imposed upon him for an offence under Section 193 IPC although set aside now by this order.

Therefore, we set aside the order made in Writ Petitions (Criminal) Nos. 356-57 of 1993 convicting the petitioner under Section 193 IPC and is recalled. It is made clear that this order will not enable the petitioner to claim any compensation or initiate any proceedings in any court arising out of his conviction under Section 193 IPC except to use the same in any proceeding initiated against the petitioner departmentally regarding his services