

Criminal Revision no.41 of 2002

Dinesh Chandra Sharma_____

Revisionists

1. C.B.I.

2. State of Uttaranchal _____

Opposite parties

Hon'ble Irshad Hussain.J.

Heard Sri Sudhir Singh for the revisionist and Sri U.K.Uniyal for the opposite parties.

The learned counsel for the revisionist has not argued the revision on the merits but merely submitted that the sentence awarded may be made concurrent in view of the fact that the revisionist had been dismissed from service of the bank. The amount withdrawn fraudulently from the bank had been deposited and paid to the account holder and also that the fine imposed against the revisionist had been deposited. It was also submitted that all the substantive offences under which the revisionist has been convicted and sentenced, arise out of a single transaction of fabrication of documents for fraudulently withdrawing of the amount. Considering this, it will be just and proper that the sentence awarded against all substantive offences may be made concurrent instead of consecutive as directed by the learned Magistrate and affirmed by the learned Sessions Judge in appeal. Considering the totality of the circumstances of the case, I find favour with the submissions of the learned counsel for the revisionist and the sentence awarded against the revisionist per judgment and order dated 26.7.2001 are made concurrent. The revision is disposed of accordingly.

(Irshad Hussain, J.)

July 31, 2002.

M.P.S.