

QUANTUM OF SENTENCE :-

Present: Complainant Hardayal Singh in person with Shri Abhinav Sharma, Advocate.
Convicts Akshay Nidhi Rathore and Nisha Rathore in person with Shri Pukhraj Singh Chauhan, Advocate.

In continuation of conviction order dated 05.03.2024, I have heard learned counsel for complainant and learned counsel for defence as well as to accused/convict Akshay Nidhi Rathore and Nisha Rathore themselves on the quantum of sentence to be imposed upon the accused/convicts. Statement of accused/convicts on quantum of sentence recorded separately. Convict Akshay Nidhi Rathore has stated that he is having old mother aged about 70 years and she is suffering from kidney disease because she is kidney donor and also suffering from heart disease and high blood pressure. He is also having two infant kids. Accused/convict has prayed for taking a lenient view against him.

Further, convict Nisha Rathore has stated that she is suffering from kidney disease because she is kidney donor. She is also suffering from heart disease and high blood pressure. She has restricted movement due to disease and usually remains on bed. Accused/convict has prayed for taking a lenient view against her.

2. Learned counsel for complainant has contended that keeping in view the gravity of the offence, the convicts be punished severely in accordance with law and maximum punishment should be inflicted upon them.

3. On the other hand, the convicts have stated that convict Nisha Rathore is suffering from kidney disease and other old age diseases and

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accused Akshay Nidhi Rathore is having family responsibilities upon him and requested for taking lenient view.

4. Having heard, learned counsel for complainant and learned defence counsel on quantum of sentence, this Court is of the considered view that the convicts do not deserve any leniency because convict in pursuance of criminal conspiracy cheated the complainant by way of execution of sale deed no.1645 dated 31.05.2012 of land measuring 78 kanals 16 marlas owned by complainant by accused no.1 Akshay Nidhi Rathore in favour of accused no.2 Nisha Rathore without any sale consideration despite the knowledge that the complainant Abhinay Rathore had cancelled the General Power of Attorney which was earlier executed by him in favour of accused no.1 (Akshay Nidhi Rathore) and further caused wrongful loss to complainant by withdrawing amount of Rs.14,74,000/- from the account of complainant by way of forging his signatures. The interest of justice would be completely met if convicts Akshay Nidhi Rathore and Nisha Rathore are sentenced as under:-

Under Sections	Imprisonment
420 IPC	Convicts Akshay Nidhi Rathore and Nisha Rathore are sentenced to undergo simple imprisonment of two years and to pay a fine of Rs.1000/- each. In default of payment of fine or a part thereof, they shall undergo simple imprisonment for a period of fifteen days.
120-B IPC	Convicts Akshay Nidhi Rathore and Nisha Rathore are sentenced to undergo simple imprisonment of two years and to pay a fine of Rs.1000/- each. In default of payment of fine or a part thereof, they shall undergo simple imprisonment for a period of fifteen days.

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467 IPC	Convict Akshay Nidhi Rathore is sentenced to undergo simple imprisonment of two years and to pay a fine of Rs.1000/-. In default of payment of fine or a part thereof, he shall undergo simple imprisonment for a period of fifteen days.
468 IPC	Convict Akshay Nidhi Rathore is sentenced to undergo simple imprisonment of two years and to pay a fine of Rs.1000/-. In default of payment of fine or a part thereof, he shall undergo simple imprisonment for a period of fifteen days.
471 IPC	Convict Akshay Nidhi Rathore is sentenced to undergo simple imprisonment of two years and to pay a fine of Rs.1000/-. In default of payment of fine or a part thereof, he shall undergo simple imprisonment for a period of fifteen days.

All the sentences shall run concurrently. The period of imprisonment already undergone by the convicts shall be set off. **Fine paid.** It is ordered accordingly. This order shall be subject to compliance of provisions under Section 428 Cr.P.C. File be consigned to the record-room after due compliance.

Date of order:06.03.2024.

Maninder,
Stenographer-III.

(Saloni Gupta)
JMIC/Sirsa.
(UID No.HR0425)

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Convicts Akshay Nidhi Rathore and Nisha Rathore in person with Shri Pukhraj Singh Chauhan, Advocate.

Heard. Vide separate order of even date, the convicts have been sentenced.

At this stage, the convicts moved application for suspension of their sentence in view of the provisions contained in Section 389 Cr.P.C. Notice given. Heard. Since the convicts want to file appeal against the judgment, therefore, their sentences are hereby suspended for enabling them to file an appeal subject to furnishing personal bonds in the sum of Rs.50,000/- each with one surety in the like amount. Requisite bonds furnished, which are accepted and attested. The sentence of the convicts is hereby suspended till 05.04.2024 for enabling them to file appeal. In case convicts does not file appeal within stipulated time they shall surrender before the court to face the sentence on 05.04.2024. Ahlmad is directed to place copy of this order and bail bonds separately and to put up on 05.04.2024, if no order of Appellate Court is received till then. File be consigned to the record room after due compliance.

Pronounced in open court.
Date: 06.03.2024

(Saloni Gupta)
Judicial Magistrate Ist Class,
Sirsa.(UID No.HR0425)

Maninder,
Stenographer-III.