

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

CRR-2168-2013 (O&M)

Date of decision : 13.08.2015

SATNAM SINGH

..... Petitioner

VS

STATE OF PUNJAB & ORS

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. H.K. Aurora, Advocate for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. Baldev Singh Sodhi, Advocate
for respondents No.2 & 3.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

CRM-31993-2013

This is an application for condonation of delay of 28 days in filing the present revision petition.

No reply has been filed.

For the reasons recorded, the application is allowed. Delay is condoned.

CRR-2168-2013

This revision has been filed against the order of the Appellate Court whereby the appeal of respondents No.2 & 3 against their conviction under Section 420 IPC by the trial Court was allowed. The petitioner came forward with a plea that he was induced by Sukhwinder Singh and respondents No.2 & 3 (who were the wife and mother of Sukhwinder Singh) to part away with hard earned money on

the false promise of sending him to Italy. As per the prosecution version a total amount of Rs.6,50,000/- was obtained by the three accused persons from the petitioner but he was taken to Italy without work permit and was consequently deported from there. It also deserves to be mentioned here that Sukhwinder Singh absconded and was declared a proclaimed offender. The trial Court convicted respondents No.2 & 3 whereupon they filed an appeal. The Appellate Court held that the only allegation against respondents No.2 & 3 was that they had accompanied Sukhwinder Singh on the first occasion when Rs.50,000/- were paid and then on the last occasion both of them had come to the father of the petitioner and had taken Rs.3.00 lacs. The Appellate Court, after consideration of the evidence, came to the conclusion that the offence was not brought home against respondents No.2 & 3 beyond reasonable doubt since the entire evidence was oral and there was no allegation that respondents No.2 & 3 had ever induced the petitioner to make the payment. Learned counsel has argued that once it was deposed that respondents No.2 & 3 had accompanied main accused Sukhwinder Singh on the first occasion and had obtained a sum of Rs.3.00 lacs on the last occasion, this evidence would be enough to bring home the guilt against them. Learned counsel for respondents No.2 & 3 on the other hand has argued that in the first place the entire evidence being oral and the material witnesses being the petitioner, his father and his brother implicit faith should not be placed on their testimony. As per learned counsel respondents No.2 & 3 were named only to bring pressure since they were the wife and mother of the main accused. He has argued that the findings of the Appellate Court that the guilt of respondents No.2 & 3 having not been brought home beyond reasonable doubt can not be faulted.

In my considered opinion the arguments of learned counsel for respondents No.2 & 3 carry more weight. The possibility that respondents No.2 & 3 have been named only because main accused Sukhwinder Singh was abroad and this was the best way to bring

pressure upon him does to my mind throw doubt on the guilt of respondents No.2 & 3. Even otherwise all the material allegations of inducement and of having actually worked out the logistics of the fraud against the petitioner are against Sukhwinder Singh. On a consideration of the entire factual matrix I am not in a position to hold that the judgment of the Appellate Court is vitiated on any account.

Revision is dismissed.

Since the main case has been decided, the Criminal Misc. Application, if any, also stands disposed of.

**(AJAY TEWARI)
JUDGE**

August 13, 2015
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