

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

Cr.Rev.No.2326 of 2015(O&M)
DATE OF DECISION : 6.7.2015

Charanjit Singh alias Channi and another

PETITIONERS

VERSUS

State of Punjab

RESPONDENT

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

1. Whether reporters of Local Newspapers 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 ?

Present:- Shri A.S.Kalra, Advocate for the petitioner.

MAHESH GROVER, J.

This revision is directed against the judgment/order dated 21.9.2013 of the learned J.M.I.C., Phillaur vide which the petitioners were convicted under Sections 420,120-B I.P.C. and sentenced to undergo RI for 3 years and to pay fine of Rs.2000/- each and in default, to further undergo RI for 4 months. The appeal filed by the petitioners against the said order was dismissed by the learned Additional Sessions Judge, Jalandhar vide order dated 30.4.2015.

The prosecution case is based on the complaint made by Amarjit

Singh and Mangat Ram alleging that Charanjit alias Channi and Saro Ram received a sum of Rs.9 lacs along with their passports to send them to Italy. The amount was paid by these two persons to Darshan Lal son of Kartar Ram for onward payment to Charanjit alias Channi and Saro Ram. The complainants were taken to Thailand instead of Italy and after some time, Amarjit Singh came back to India, while Mangat Ram was arrested in Thailand after the expiry of his visa, but he also returned to India after his release from jail. When they demanded their money back, the petitioners made a flat refusal leading to the registration of the case.

The police submitted the challan resulting in trial which on conclusion recorded the conviction and sentence of the petitioners as mentioned above.

The prosecution examined as many as 12 witnesses including the parents of the complainants and the persons to whom the land was mortgaged to raise the amount as also the persons from whom the loan was taken to satisfy the demand of the accused persons. The statements of the victims i.e. the persons who were sent to Thailand, and their parents are consistent. They have clearly stated that the accused induced them to part with the money to send Amarjit Singh and Mangat Ram to Italy, but instead they were sent to Thailand. There is also evidence to indicate the raising of amount by way of mortgage and friendly loan from the persons who have also been examined as witnesses. The statements of the victims, their father Darshan Lal and the statement of PW-1 Pargan Ram, PW-2 Sarwan Ram are consistent in this regard. The Manager of the Canara Bank (PW-9) brought the record regarding the amount given to Darshan Lal and is showing withdrawal of the amount at the time which coincides with the payment made to the accused persons. There is material to show that the victims were kept in Thailand. Amarjit Singh managed to escape from the clutches of the authorities,

but Mangat Ram suffered incarceration.

These two facts coupled with the payment of the amount, its trail which stand established and the factum of the victims having been sent to Thailand instead of Italy, clearly bring out the case of the prosecution leading no room for interference in the judgments of conviction and sentence awarded by the courts below.

During the course of proceedings, the petitioners were given the option to explore the possibility of returning the amount to the complainants in order to settle equities which was flatly refused by the petitioners.

Be that as it may, the fact remains that the prosecution has been able to establish the guilt of the accused.

Finding no merit in the petition, I dismiss the same.

July 6, 2015
GD

(MAHESH GROVER)
JUDGE