

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

CRR No.267 of 2015

Date of decision : 01.04.2015

Surjit Singh

.....Petitioner

versus

Harmeet Singh and another

.....Respondent

CORAM: HON'BLE MR.JUSTICE DARSHAN SINGH

Present: Mr.Dhirinder Chopra, Advocate
for the petitioner.

DARSHAN SINGH, J

1. The present revision petition has been preferred by the petitioner/complainant against judgment dated 8.3.2013 passed by the learned Judicial Magistrate, 1st Class, Sangrur whereby respondent-Harmeet Singh has been acquitted of the charges punishable under Section 420 of the Indian Penal Code (hereinafter referred to as 'IPC') and the judgment of the learned Additional Sessions Judge, Sangrur dated 5.9.2014 whereby the appeal against acquittal preferred by the State has been dismissed.

2. As per the prosecution allegations, the accused/respondent was running the business of travel agent in the name and style of 'Virk Travels' and was indulging in sending the people to foreign country by illegal means on the pretext of arranging jobs for them. In the month of September, 2006, the accused visited the house of the petitioner and asked his son Chamkaur Singh to send him to South Africa and can arrange employment for him in a good company and he will get handsome salary. He demanded Rs.15,00,000/- for this purpose. His son Chamkaur Singh believed the accused. In the month of October 2006, a sum of Rs.8,00,000/- was paid to the accused/respondent along with Birth Certificate, School Certificate and Ration Card of Chamkaur Singh and

the accused/respondent assured that he will arrange visa for Chamkaur Singh within 15 to 20 days and will receive the remaining amount of Rs.7,00,000/- at that time thereafter Rs.3,00,000/- were further paid. The accused/respondent did not send Chamkaur Singh to abroad. He also failed to return the money. The accused/respondent issued post-dated cheques to return the money but the same were dishonoured. On the basis of the complaint moved by the present petitioner, the present case was registered for the offence punishable under Section 420 IPC.

3. The accused/respondent was charge-sheeted for the offence punishable under Section 420 IPC to which he did not plead guilty and claimed trial. The prosecution examined eight witnesses to substantiate the charges.

4. In his statement under Section 313 Cr.P.C, the accused/respondent pleaded false implication and denied all the allegations. In the defence evidence, he produced documents Ex.D1 to D3.

5. On appreciating the evidence on record, the learned trial Court acquitted the accused/respondent.

6. The appeal filed by the State of Punjab against acquittal of the accused/respondent was also dismissed by the learned Additional Sessions Judge, Sangrur.

7. Aggrieved with the aforesaid judgment, the present revision petition has been preferred by the petitioner/complainant.

8. I have heard Mr. Dhirinder Chopra, Advocate, learned counsel for the petitioner and have perused the paper book.

9. Learned counsel for the petitioner contended that the judgment passed by the learned Courts below suffers from material irregularity and illegality. The accused/respondent has taken a sum of Rs.11,00,000/- on the pretext of sending Chamkaur Singh, son of complainant, to abroad and arranging the job for him but they were cheated. Neither Chamkaur Singh was sent abroad nor the money was returned. These allegations have proved from the evidence on

record. Thus, he contended that the judgments passed by the Courts below are not sustainable.

10. I have duly considered the aforesaid contentions.

11. It is settled principle of law that the revisional Court has limited jurisdiction. It can only interfere if there is any material illegality or irregularity in the order/judgment passed by the Courts below which has resulted in the miscarriage of justice.

12. In the instant case, the allegations are that the accused/respondent induced Chamkaur Singh to part with money on the pretext of sending him abroad and arranging a good job for him. So, Chamkaur Singh is the person who has been cheated in the case even as per the allegations of the prosecution but said Chamkaur Singh has not been examined by the prosecution. Thus, the victim/material witness has been withheld. Complainant-Surjit Singh has admitted in the cross-examination that he was lodged in jail from the year 2003 to October or November, 2006 whereas the accused/respondent is alleged to have met Chamkaur Singh prior to that. So, complainant-Surjit Singh is not the witness to the inducement by the accused/respondent and payment of money. No other family member of the complainant has been examined.

13. PW-1 Darbara Singh has stated that Rs.8,00,000/- were paid in the presence of other son of complainant Surjit Singh by Chamkaur Singh. The said other son of Surjit Singh- complainant has also not been examined. PW1- Darbara Singh has also not supported the prosecution version.

14. The prosecution has also not been able to substantiate the source of money allegedly paid by Chamkaur Singh to the accused/respondent.

15. The complainant has also filed a criminal complaint under Section 138 of the Negotiable Instruments Act against the accused/respondent but the same was dismissed by the Chief Judicial Magistrate, Sangrur. The judgment of learned First Appellate Court shows that the learned Chief Judicial Magistrate has

held that it was not proved that the cheque was issued in discharge of any legal liability by the accused/respondent.

16. In these circumstances, I do not find any material illegality or irregularity which can warrant the interference by this Court while exercising the limited revisional jurisdiction.

17. Consequently, the present revision petition has no merits and the same is hereby dismissed.

April 01, 2015

ps

(DARSHAN SINGH)

JUDGE

