

215

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

CRR No.2785 of 2014 (O&M)

Date of decision: August 18, 2015

Surinder Kumar

.....Petitioner

Versus

Central Bureau of Investigation

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. P.K. Bansal, Advocate for
Mr. Karan Singla, Advocate
for the petitioner.

Mr. S.S. Sandhu, Advocate
for respondent-CBI.

SABINA, J

Petitioner had faced trial in RC No.9 and 10 (S)/
2009, under Sections 363, 368, 193, 209 read with Section
120-B of Indian Penal Code, 1860 ('IPC' for short) and
Sections 420, 467, 468, 471, 120-B IPC and Section 12 of
Passport Act, 1967, registered at Police Station Special Crime
Branch, Central Bureau of Investigation, Chandigarh. Trial
Court vide judgment dated 18.07.2013 ordered the conviction
and sentence of the petitioner under Section 120-B read with
Sections 466, 468, 471, 368 IPC. The said conviction and
sentence of the petitioner was upheld by the Appellate Court
in Appeal vide order dated 16.07.2014. Hence, the present
petition by the petitioner.

At the time of issuance of notice of motion, following

order was passed by this Court on 05.09.2014:-

“Learned counsel for the petitioner fairly states that he is not pressing the revision petition on merit, however, he confines his prayer with regard to quantum of sentence only.

Notice of motion, qua quantum of sentence, for 28.10.2014.

Record be requisitioned.”

I have heard learned counsel for the parties and have gone through the record available on the file carefully.

Prosecution story in brief is that Aishley Kapoor was born to Jyoti Kapoor and complainant-Deepak Kapoor on 14.08.1999. Jyoti Kapoor lived with the mother of Deepak Kapoor who was an old lady. Jyoti Kapoor later accompanied her husband to the place of his posting, whereas, minor child remained with the mother of the complainant-Deepak Kapoor. On 28.12.2001, mother of the complainant died. Seema Kapoor, sister of the complainant and Rajesh Kapoor brother of the complainant requested Deepak Kapoor to leave the child with them. Thereafter, accused Rajesh Kapoor left for England without the knowledge of Deepak Kapoor. Seema Kapoor performed marriage with the petitioner. Aishley Kapoor was taken by the petitioner and his wife to their house. Complainant and his wife filed a case seeking custody of their minor daughter. Petitioner and his wife filed false affidavits in the Court stating that Aishley Kapoor was their adopted daughter. The fact that the complainant was the

father of the minor Aishley Kapoor was admitted. Thereafter, petitioner and his wife on the basis of false birth certificate, got prepared fake passport of Aishley Kapoor and took her to London. After completion of investigation and necessary formalities, challan was presented against the petitioner, whereas, his other co-accused were declared proclaimed offender.

The Courts below after appreciating the evidence on record have ordered the conviction and sentence of the petitioner qua commission of offence punishable under Section 120-B read with Sections 466, 468, 471, 368 IPC. Learned counsel for the petitioner has not challenged the conviction and sentence of the petitioner as ordered by the Courts below, but has submitted that sentence qua imprisonment of the petitioner be reduced to the period already undergone by him. As per the orders of the Courts below, petitioner has to undergo Rigorous Imprisonment of three years.

Keeping in view the offence committed by the petitioner, no ground for reduction of sentence qua imprisonment as imposed by the Courts below, is made out.

Dismissed.

**(SABINA)
JUDGE**

August 18, 2015
mahavir