

Crl. Revision No.2790 of 2015 (O&M)

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

**Crl. Revision No.2790 of 2015 (O&M)
Date of decision : 17.09.2015**

Gurinderjit Singh

.....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. H.S. Batth, Advocate
for the petitioner.

Mr. Deep Singh, AAG, Punjab.

ANITA CHAUDHRY, J.

This petition has been filed against the orders of the two Courts below vide which the petitioner had been convicted and sentenced to 2 years rigorous imprisonment in FIR No. 38 dated 26.01.2006, registered under Section 420 IPC at Police Station Jandiala, District Amritsar.

Though the prayer ultimately on behalf of the petitioner was for reduction of sentence but it is necessary to give the facts which follow:-

Complainant Jagdip Singh had alleged that the petitioner was a travel agent and was sending people abroad and had demanded Rs.6,80,000/- for sending him to Canada. On three different occasions, complainant had given Rs.1,50,000/- each time to accused Gurinderjit Singh but Gurinderjit Singh failed to send him abroad nor returned the money or the passport. It came to his notice that the accused had been

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caught by Chheharta police in a dacoity case and he was in jail. After a month, the accused was released and the complainant asked for return of his money and again two months passed but the amount was not returned nor he was sent abroad. The police investigated the case and arrested the accused. In 2012, while trial was on, a report under Section 173(8) Cr.P.C. was filed seeking cancellation of the case as the averments were that the complainant had travelled abroad on his passport. After a complete trial the accused was sentenced to undergo rigorous imprisonment for a period of 2 years along with fine of Rs.2,000/- under Section 420 IPC.

On appeal, the Additional Sessions Judge, Amritsar maintained the sentence dismissing the appeal.

The counsel for the petitioner had urged that a complaint under the Negotiable Instruments Act had been filed in which the petitioner was convicted and he has undergone sentence in that case and on the same allegations, this FIR had been lodged.

The State counsel had submitted that there are two separate remedies under different provisions and the cheque which had been given by the petitioner had bounced which led to offence under the Negotiable Instruments Act and in this case, the allegations are of cheating and taking money by fraud.

The record had been received. I have examined the evidence and I find that the prosecution had been able to prove the allegations against the accused. As the prayer made by the petitioner is restricted only to the sentence, therefore, the findings recorded by the Courts below convicting the petitioner are affirmed.

As regards the prayer of reduction of sentence is concerned,

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the FIR is of year 2006. The petitioner was convicted by the trial Court vide judgment dated 10.12.2013. His appeal was dismissed by the Additional Sessions Judge on 21.07.2015. The petitioner has remained in custody for about 09 months. Considering the fact that the petitioner has been suffering the agony of this case for the last more than 9½ years, I am of the view that ends of justice would be met in case the sentence awarded to the petitioner under Section 420 IPC is reduced to one year. However, the amount of fine is enhanced to Rs.25,000/-. In default of payment of fine, the petitioner shall further undergo imprisonment for a period of 6 months.

With the above said modification, the revision petition is disposed of.

17.09.2015

sunil

(ANITA CHAUDHRY)
JUDGE