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

**CRR No.3397 of 2015 (O&M)
Date of decision: October 01, 2015**

Kulwinder Singh and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Dinesh Nagar, Advocate
for the petitioners.

SABINA, J

Petitioners had faced trial in FIR No.68 dated 26.06.2009, under Section 420 of Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Rahon.

Trial Court vide judgment/order dated 11.08.2014 ordered the conviction and sentence of the petitioners under Section 420 IPC. The said conviction and sentence of the petitioners were upheld by the Appellate Court vide order dated 16.04.2015. Hence, the present petition.

Learned counsel for the petitioners has submitted that the petitioners have been falsely involved in this case. Learned counsel has further submitted that the sentence qua imprisonment was harsh.

Prosecution story, in brief, is that the petitioners had taken ₹5,00,000/- from the complainant Amarjit Singh for sending him to Italy. However, Amarjit Singh was neither sent to Italy nor the amount paid by him was returned to

him. Complainant was handed over duplicate documents by the petitioners, which were found to be false by the Embassy.

In order to prove its case, prosecution examined the complainant as PW2. Complainant deposed as per the prosecution story. It has been noticed by the Courts below that the petitioners had executed affidavit Exhibit PW4/A, wherein, they had admitted the fact that they had taken the money from the complainant for sending him to Italy. A compromise was effected between the parties and petitioners had agreed to return the amount in question to the complainant in nine installments. However, petitioners failed to do so. Thus, the prosecution had been successful in proving its case. Hence, the Courts below rightly ordered the conviction and sentence of the petitioners under Section 420 IPC.

Keeping in view the seriousness of the allegations levelled against the petitioners, no ground for reduction of sentence qua imprisonment of the petitioners, is made out.

Dismissed.

**(SABINA)
JUDGE**

October 01, 2015
mahavir