

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

CRR No.3523 of 2015(O&M)

Date of Decision:-18.09.2015

Jaswant Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Abhishek Sharma, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

The instant revision petition under Section 401 Cr.PC has been preferred by the convict Jaswant Singh against the judgment of conviction and order of sentence passed by the learned Appellate Court dated 6.7.2015 (P-1) whereby the judgment dated 4.10.2012 (P-2) in case FIR No.128 of 2009 for offence punishable under Section 420 of Indian Penal Code registered with Police Station Beas, passed by the learned trial Court was affirmed. However, the order of sentence dated 4.10.2012 passed by the learned trial Court was modified and sentence was reduced to one year for commission of offence under Section 420 IPC.

The prosecution was launched at the instance of complainant Ajit Singh who had been cheated by petitioner and co-accused Balwant Singh, as the son of the complainant namely, Gurpreet Singh who was to be sent to Spain, was instead sent to Russia. The complainant had paid a sum

of Rs.5,00,000/- to the petitioner and co-accused. The amount on demand was never returned.

That the trial Court after evaluating the evidence proceeded to record conviction of the petitioner for the offence punishable under Section 420 of Indian Penal Code on 4.10.2012.

Aggrieved against conviction the appeal was preferred and the Appellate Court also affirmed the stand of the prosecution by upholding the judgment of conviction. The Appellate Court has examined the evidence threadbare and has specifically held that the amount was paid to the accused (petitioner) and the evidence of PW-4 which has given the details of the payment on different dates has gone unimpeached, either by way of cross examination or otherwise by leading the defence evidence. The judgment of the trial Court, as well as of the Appellate Court are based on correct appreciation of evidence.

The exercise of revisional jurisdiction is warranted where the orders impugned suffers from some illegality and impropriety. The view adopted by the Courts below is in consonance with the evidence on record and, therefore, there is no ground made out for interference in the revisional jurisdiction.

In my considered opinion, the judgment of the Courts below, keeping in view the narrow scope of revisional jurisdiction are well founded and no further action is called for.

Dismissed.

(JASWANT SINGH)
JUDGE

September 18, 2015
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