

In the High Court of Punjab and Haryana at Chandigarh

Criminal Revision No. 3537 of 2014
Date of decision: 06.02.2015

Narinder Kumar Chabra

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Vivek Suri, Advocate
for the petitioner.

SABINA, J.

Petitioner along with his co-accused had faced trial in FIR No. 243 dated 29.3.2007 under Section 409, 420 read with Section 120-B of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Samana. The Trial Court vide judgment/order dated 21.11.2013 ordered the conviction and sentence of the petitioner under Section 409 read with Section 120-B IPC. Aggrieved against the judgment/order of his conviction and sentence, petitioner preferred an appeal and the same was dismissed by the Appellate Court vide judgment dated 30.7.2014. Hence, the present petition by the petitioner.

Prosecution story, in brief, is that complainant Kiran Rani had given ₹ 1,40,000/- to the accused on 18.6.2007. Complainant demanded receipt and passbook of her account from the accused but they kept on dilly-dallying the matter. On 13.8.2007, accused promised to give the passbook to the

complainant within a day or two. However, when the complainant went to the house of the accused on 25.8.2007, she found that they were not present in their house and the office was lying locked. Many persons were present there and the complainant came to know that they had also been duped of their money.

In the present case, prosecution story was set in motion on the basis of the complaint moved by complainant Kiran Rani. Complainant appeared in the witness box as PW-1 and deposed as per the contents of the FIR. In support of its case, prosecution also examined Sukhdev Singh as PW-2, Banto as PW-3, Amar Kaur as PW-5, Kartar Chand as PW-7, Raj Kumari as PW-8, Harnam Singh as PW-9, Baldev Kaur as PW-10, Kartar Kaur as PW-11, Kuldeep Singh as PW-12, Gurnam Singh as PW-13, Jagtar Singh as PW-17, Charanjit Kaur as PW-19, Subegh Singh as PW-20, Balbir Singh as PW-22, Roshan Lal as PW-23, Dharam Pal as PW-24, Gurjant Singh as PW-25, Shadi Devi as PW-27 and Gurjit Kaur as PW-28. The said witnesses deposed that they had been handing over money to the accused but they had failed to deposit the same in their accounts.

Learned counsel for the petitioner has submitted that petitioner had been falsely involved in this case.

On merits, prosecution had been successful in proving its case. All the witnesses who had handed over money to the petitioner and his co-accused, were examined during trial. PW-1 complainant Kiran Rani, PW-2 Sukhdev Singh, PW-3 Banto, PW-5, Amar Kaur, PW-7 Kartar Chand, PW-8 Raj Kumari, PW-9 Harnam Singh, PW-10 Baldev Kaur, PW-11 Kartar Kaur, PW-12 Kuldeep Singh, PW-13 Gurnam Singh, PW-17 Jagtar Singh, PW-19 Charanjit Kaur, PW-20 Subegh Singh, PW-22 Balbir Singh, PW-23

Roshan Lal, PW-24 Dharam Pal, PW-25 Gurjant Singh, PW-27 Shadi Devi and PW-28 Gurjit Kaur had categorically deposed that they had handed over money to the accused so that it could be deposited in their accounts but the accused had failed to deposit the amount in their accounts. Petitioner who was an agent at the relevant time has, thus, committed criminal breach of trust.

Since the prosecution has been successful in proving its case, both the Courts below had rightly ordered the conviction and sentence of the petitioner under Section 409 read with Section 120-B IPC.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

February 06, 2015

Gurpreet