

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

CRR No.786 of 2015 (O&M)
Date of Decision: 09.03.2015

AmarjitPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

This is a revision petition filed by the accused/petitioner against the conviction and sentence awarded by the learned trial court, which was affirmed by the learned Appellate Court.

2. The petitioner has been convicted and sentenced to undergo rigorous imprisonment for one year and to pay fine of ₹2000/-. In the event of default of fine, accused has to further undergo rigorous imprisonment for a period of 40 days.

3. Palwinder Kaur, Baljinder Kaur and Satpal Kaur are the complainants in the present case, whose sons were agreed to be sent to Greece against a settlement amount of ₹5,00,000/- each. As a part performance of the obligation, Palwinder Kaur

contributed ₹2,50,000/- for sending her son Harminder Singh to Greece and she paid this amount along with passport of her son to the accused. Similarly, Baljinder Kaur contributed ₹2,83,000/- and also handed over passport of her son Sikandar Singh and so as Satpal Kaur contributed a sum of ₹2,83,000/- and handed over passport of her son Talwinder to the accused. On 07.06.2015, accused took all the aforesaid sons of complainants to Tehran, from where they were taken to Turkey and at Turkey all the three were left unattended and the accused came back to India. In Turkey, all the three namely Harminder Singh, Sikandar Singh and Talwinder Singh were arrested by Turkey police and were sent to jail. Complainants made hectic efforts to seek release of their sons from Turkey and this fact has come on record that each of the complainant had to pay ₹30,000/- in order to secure release of their sons from authorities at Turkey. An amount of ₹50,000/- each was paid to the accused on 16.05.2007, ₹1,00,000/- each on 30.05.2007 and ₹1,00,000/- each on 06.06.2007. The factum of settlement has been duly corroborated by Jaswant Singh, who has appeared as PW-7 and Sarpanch of village namely Jagan Singh has also corroborated incriminating evidence against the accused person.

4. Realizing at one point of time, accused issued a cheque of ₹1,00,000/- to the complainant on 20.03.2008 and the said cheque was dis-honoured for want of sufficiency of funds in the account of accused. The prosecution witnesses namely Mohinder Singh (PW-5) and Sukhwinder Kaur (PW-6) have also

testified the source of payment of ₹50,000/- paid to Satpal Kaur and an amount of ₹1,50,000/- to Sukhdev Singh, husband of Satpal Kaur for onward payment to accused person.

5. Learned counsel for the petitioner submits that the evidence on record is not sufficient to convict the petitioner for the offence under Section 420 IPC in as much as that statements of victims have not been recorded by the prosecution and the conviction of the petitioner is revolving around the testimonies of interested witnesses.

6. This court has considered the arguments raised by the counsel for petitioner and finds itself in total disagreement with the contention raised by the counsel for the petitioner.

7. Complainants who are none else, but the mothers of victims, have duly come forward and the witnesses examined are not interested in any falsehood rather they have deposed with reference to the settlement arrived at between them at the time of sending the sons of the complainant to Greece and the witnesses have deposed about the source of payment procured by the complainants in order to make onward payments to the accused person. It is a settled principle of law that human memory fades with the passage of time and error in observation creeps in with the passage of time and there cannot be 100% accuracy in precision after this much time. Normal discrepancies are bound to occur. The minor discrepancy is not such which can uproot the case of the prosecution which otherwise stood the test of due corroboration

and incriminating material stood the test of corroboration by independent witnesses.

8. Having considered the material on record, this Court does not find any illegality or perversity in the judgments passed by the Courts below. Therefore, no interference is called for in the revision and the same is dismissed.

09.03.2015

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**[RAJ MOHAN SINGH]
JUDGE**