

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

Crl. Revision No.1286 of 2016 (O&M)
Date of decision: May 19, 2016

Satnam Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ankur Gupta, Advocate for the petitioner.
Mr. Shilesh Gupta, Addl. Advocate General, Punjab.

Rajan Gupta, J. (oral)

Petitioner Satnam Kaur had been convicted by the Judicial Magistrate 1st Class, Ludhiana, under sections 420 IPC and was sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.8000/-.

Petitioner preferred appeal against the judgment of his conviction/sentence, which was dismissed by Additional Sessions Judge, Ludhiana, vide judgment dated 16.10.2015.

Feeling aggrieved against the judgments of both the courts below, the petitioner has approached this court through the instant Criminal Revision.

Learned counsel for the petitioner at the outset states that he is limiting his prayer only to the extent of reduction in the sentence awarded and does not assail the judgment of conviction. He states that

he is conscious that scope in the revision is very limited as evidence of the witnesses cannot be re-appreciated or re-evaluated.

Learned State counsel, on the other hand submits that in case conviction of petitioner is maintained, the court may reduce the sentence as deemed appropriate in the circumstances of the case.

I have heard learned counsel for both the sides.

Briefly, the prosecution case runs thus:

Complainant Kesar Singh made a complaint to Senior Superintendent of Police, Ludhiana alleging therein that he belongs to village Dhanaula, Distt. Fatehgarh Sahib. His son Kuldip Singh had desired to go abroad. In this regard, they contacted Satnam Kaur (petitioner herein) through her relative Labh son of Chanan Singh of village Satabgarh. They met accused, her husband Shamsheer Singh and Jaspal Singh at village Bhaura. Accused demanded Rs.8.5 lacs for sending his son to Italy. Complainant after borrowing money from different persons, paid half of this amount to the petitioner. On asking of accused, complainant sent his son to Nigeria. Complainant when contacted his son on phone, he suspected that he was under pressure. Thereafter, on asking of accused Satnam Kaur, complainant also paid the remaining amount to her. After about one month, son of complainant told him on phone that he was coming back to India alongwith other boys like him. Then accused assured him to send his son Italy direct from Delhi. Thereafter, 5/6 boys reached India and when their family members discussed to each other, they came to know that they had been cheated. Accused had duped complainant of Rs.8.5

lacs. All the boys were also given beatings by the accused. When complainant demanded his money back, accused assured him to return the same after marriage of her daughter. Ultimately, accused refused to return the amount and threatened them with dire consequences. On this complaint, FIR was registered against accused. After completion of investigation, challan against the accused was presented in the trial court.

Finding prima facie case under Sections 420 IPC, charge was framed against the accused/petitioner, to which she pleaded not guilty and claimed trial.

To substantiate its case against the accused, the prosecution examined as many as four witnesses.

The statement of the accused under Section 313 Cr.P.C. was recorded, wherein all the incriminating evidence available on record was put to her. She refuted the incriminating circumstances and pleaded false implication. Accused, however, did not examine any witness in her defence.

On the basis of the evidence on record, the learned trial court held the petitioner guilty of the charge under section 420 IPC and sentenced her as already indicated above. The appeal filed against the said judgment was also dismissed by the learned Additional Sessions Judge, Ludhiana on 16.10.2015.

On a perusal of the judgments of both the courts below, I am of the considered view that the trial court has rightly appreciated the evidence on record while holding the petitioner guilty of the charge

framed against her. The appellate court has also rightly dismissed the appeal. There is no infirmity or illegality in the findings given by both the courts below. The conviction of the petitioner is, thus, affirmed.

Even counsel for the petitioner, during the course of arguments, has not assailed the judgment of conviction. He has, however, pleaded for reduction in the quantum of sentence on the ground that the petitioner is a poor lady and main bread winner of her family. He has stated that he is conscious that the scope in revision is very limited as evidence of the witnesses cannot be re-appreciated and re-evaluated.

Learned State counsel has placed on record affidavit of Damanjit Kaur Walia, Superintendent, Women Jail, Ludhiana, according to which the petitioner has undergone custody of 09 months and 10 days till date and she also earned remission of twenty four days.

Keeping in view the facts and circumstances of the case, it is directed that the sentence awarded to the petitioner shall be reduced to the period already undergone by her. However, the fine imposed by the trial court shall remain intact.

Except with the modification in the quantum of sentence, as indicated hereinabove, the appeal stands dismissed.

(RAJAN GUPTA)
JUDGE

May 19, 2016
'Rajpal'