

In nutshell, it is alleged that the complainant Gursewak Singh was known to accused Sunny Sharma (petitioner). The present petitioner told the complainant that he is friendly to Kamal Joshi and that both of them

CRR-1974-2016 (O/M)

are travel agents. He also lured the complainant to sent him to foreign country against payment of Rs. 8 lacs. Then, it is alleged that Rs. 4 lacs were paid to the present petitioner when he visited the complainant alongwith his father, brother and mother. The passport was also handed over to the accused. Again on 15.11.2006, the present petitioner accompanied by Kamal Joshi and Ajay Arora came to his village, where another sum of Rs. 4 lacs was handed over to him. When the complainant was not sent abroad and demanded his money back from the accused, then accused Kamal Joshi gave him a cheque of Rs. 3 lacs and Ajay Arora gave him a cheque of Rs. 50,000/-. Both the cheques were found to be bogus. Being unable to bear the loss, Ajaib Singh, father of the complainant died.

Before the lower Court, accused Ajay Arora and Kamal Joshi pleaded guilty and they were convicted and sentenced. However, the present petitioner Sunny Sharma did not plead guilty and contested the case.

After considering the evidence led by the prosecution and the case put-forward by the accused, the present petitioner was convicted under Sections 420, 120-B IPC and was sentenced to undergo rigorous imprisonment for two years on each count in addition to fine. The appeal against the said conviction was dismissed, vide judgment dated 29.3.2016, passed by the learned Additional Sessions Judge, Moga.

I have heard the learned counsel for the petitioner and have also carefully gone through the file.

After going through the judgments of both the Courts below, I am of the view that there is sufficient evidence on file in the form of testimony of the complainant and the witnesses to prove that Rs. 8 lacs were extracted from the complainant by the present petitioner with the help of co-

CRR-1974-2016 (O/M)

accused. The money has not been returned to the complainant, nor he was sent abroad. Even, the co-accused issued bogus cheques to the complainant. According to the complainant, as a result of shock, his father Ajaib Singh died. Till date, the amount has not been returned. There are concurrent findings recorded by two Courts below. The judgments of the Courts below are well reasoned. Therefore, there is no ground to interfere in the same. Keeping in view the fact that nothing has been returned to the complainant so far, there is no ground to reduce the sentence as well. Hence, the present revision is dismissed.

(KULDIP SINGH)
JUDGE

26.5.2016
sjks