

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.3749 of 2015 (O&M)
Date of Decision: January 12, 2016

Sukhwinder Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Tejnder Pal Singh, Advocate
for the petitioner.

Mr.P.S.Grewal, Deputy Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Sukhwinder Singh against State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 07.03.2014 passed by learned Sub Divisional Judicial Magistrate, Moonak, vide which the petitioner along with co-accused Kaka Singh was convicted and sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of ₹1500/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of one month under Section 420 IPC and also challenging the judgment dated 01.09.2015 passed by learned Addl. Sessions Judge, Sangrur, vide which appeal filed by petitioner and co-accused was dismissed.

The brief facts of the case are that Simarjit Singh and others filed an application dated 08.10.2008 before SSP, Sangrur to the effect that Sukhwinder Singh and Jagdish Singh @ Kaka Singh had assured them to send to foreign country and for that the complainants gave them ₹2,30,000/- at village Bhutal Kalan. Despite the assurance and receiving the amount of ₹2,30,000/-, neither they sent the complainants outside the country nor returned the money. As per prosecution version, on 25.11.2006, Simarjit Singh, Kuldeep Singh, Chamkaur Singh, Natha Singh, Mithu Singh, Gurjant Singh, Balbir Singh and Bhura Singh paid ₹25,000/- each to Sukhwinder Singh and his father Kaka Singh and Mithu Singh paid ₹55,000/- for going to England/Kenya but neither they send them to foreign country nor returned the money.

Learned SDJM, Moonak, convicted and sentenced the petitioner and co-accused as stated above. An appeal was filed by the accused-petitioner and co-accused and learned Addl. Sessions Judge, Moonak, vide judgment dated 01.09.2015 dismissed the appeal.

Aggrieved from the above-said judgments and order, present revision petition has been filed by the accused-petitioner.

At the time of issuance of notice of motion, learned counsel for the petitioner did not dispute the concurrent findings of Courts below regarding conviction and prayed for reduction of sentence and notice of motion was issued only on the quantum of sentence.

Learned State counsel appeared and contested the revision petition.

At the time of arguments, learned counsel for the petitioner contended that the petitioner is a poor person and he is only the bread earner of the family. He further contended that since 2008, the revision petitioner is suffering from long criminal trial. Therefore, he argued that lenient view may be taken.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Keeping in view the facts and circumstances of the present case, the fact that the present petitioner is only bread earner of the family and he is first offender and further in view of the fact that the petitioner is suffering from long protracted criminal trial for the last more than seven years, the sentence of the petitioner is reduced and he is directed to undergo simple imprisonment for a period of ten months under Section 420 IPC instead of two years. However, the sentence of fine and default sentence shall remain the same.

With the above-said modification in the sentence, the present revision petition stands dismissed.

January 12, 2016
Vgulati

(INDERJIT SINGH)
JUDGE