

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

CRR No.3764 of 2015 (O&M)
Date of Decision: May 26, 2016

Lakha Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.B.S.Bhalla, 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 Lakha Singh against State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 23.08.2014 passed by learned Judicial Magistrate Ist Class, Moga, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of three years and to pay fine of ₹2000/- and in default of payment of fine, to undergo rigorous imprisonment for a period of 15 days under Section 420 IPC and also challenging the judgment dated 10.09.2015 passed by learned Addl. Sessions Judge, Moga, vide which appeal filed by petitioner was dismissed.

At the time of preliminary hearing, learned counsel for the petitioner did not dispute the concurrent findings of the Courts below

regarding conviction and only contended on the point of reduction of sentence.

Notice of motion was issued only qua quantum of sentence.

Learned State counsel appeared and contested the petition.

From the record, I find that the challan was presented against petitioner in case FIR No.255 dated 23.07.2006. The brief facts of the case as noted down in the judgment passed by learned JMIC, Moga, are as under:-

“The genesis of the present FIR can be traced to the complaint in writing made by complainant Narinderpal Singh to Senior Superintendent of Police, Moga against accused Lakha Singh. It was stated in the same that accused Lakha Singh had entered into an agreement to sell pertaining to 7 kanals 11 marlas of land proclaiming himself to be the owner of the same, with the complainant on 10.12.2003 for a total consideration amount of ₹2,00,000/-. An earnest amount of ₹1,50,000/- was received by the accused at the time of the execution of the agreement. The accused at the time of the execution had shown the complainant a jamabandi concerning the land in question, which reflected accused Lakha Singh as the owner of the same. The sale deed was to be executed till 10.12.2004. On the date stipulated for the execution of the sale deed 10.12.2004, the accused received another 10,000/- rupees from the complainant and the date for the execution of the sale deed was consensually extended till 15.12.2005. However, on further enquiry, the complainant was baffled to find out that he had been taken for a ride by the accused, as the accused had already sold the land in question, constituting the subject matter of the agreement to sell to one Satish Kumar. The complainant imputed the accused of having swindled him by cheating him on the face of a forged and specious jamabandi.”

Learned JMIC, Moga, after appreciating the evidence, convicted and sentenced the petitioner as stated above. An appeal was filed by the petitioner and the same was dismissed by learned Addl. Sessions Judge, Moga vide judgment dated 10.09.2015.

Aggrieved from the above-said judgments, present revision petition has been filed.

Learned counsel for the petitioner argued that petitioner is first offender, poor person, only bread earner of the family and he is suffering from the criminal proceedings for the last about 10 years.

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 and in view of the fact that petitioner is first offender, only bread earner of the family and is suffering from long protracted criminal proceedings since 2006 i.e. for the last about 10 years, the sentence imposed upon the petitioner is reduced and he is directed to undergo rigorous imprisonment for a period of one year instead of three years under Section 420 IPC. However, the sentence of fine and in default thereof, shall remain the same.

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

May 26, 2016
Vgulati

(INDERJIT SINGH)
JUDGE