

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

**CRR No.3064 of 2016 (O&M)
Date of Decision: October 24, 2016**

Ishwar Chander

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Manish Raj, Advocate for
Mr.Gopal Singh Nahel, Advocate
for the petitioner.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Ishwar Chander against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 20.10.2015 passed by learned Chief Judicial Magistrate, Roopnagar, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of ₹1000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of two months under Section 420 IPC and also challenging the judgment dated 27.07.2016 passed by learned Addl. Sessions Judge, Rupnagar, vide which appeal filed by petitioner was dismissed.

From the record, I find that the challan was presented against petitioner in case FIR No.153 dated 21.11.2008. The brief facts of the case as noted down in the judgment passed by learned CJM, Roopnagar, are as under:-

named accused on the basis of written complaint moved by complainant Pal Singh son of Niranjan Singh against accused Ishwar Chander to SSP, Rupnagar leveling allegations against accused that he gave Rs.5.5 lacs to the accused for sending his son abroad (Italy) but the accused did not kept his promise rather he dropped his son at the China Border where he was arrested and his passport was also confiscated and the complainant had to pay fine to the tune of Rs.80,000/- to release his son who on his return to India committed suicide due to the tension suffered by him. The accused did not return back his money. Hence he committed cheating with the complainant. On the basis of complaint moved by complainant inquiry was conducted and after inquiry present case was registered against the accused. Accused Ishwar Chander was arrested in this case. Statements of witnesses were recorded and after completion of investigation, challan was presented before the court.”

Learned CJM, Rupnagar 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, Rupnagar, vide judgment dated 27.07.2016.

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

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

First of all, from the record, I find that there are concurrent findings given by the Courts below regarding conviction of the present petitioner. I have gone through the lower Court record. The PWs have consistently deposed against the accused. Jaswinder Kaur wife of Hardeep Singh deposed as per prosecution version and perusal of the cross-examination nowhere shows any material contradiction or improbability in her version. The version of PW-1 is further supported by PW-2 Pal Singh. He has also deposed consistently on material facts. The version of the

prosecution is further proved by PW-4 Bhagat Singh. No defence evidence

has been produced. The mere fact that regarding payment of ₹5.5 lacs, there is no document, will not make the statements of the witnesses unreliable. PWs have consistently deposed against the accused. As per evidence, the accused had left the son of the complainant at the China border and he was taken into custody by the China Police and remained in custody for 9 months. After coming to India, he remained tensed and later on committed suicide. Though, there is no charge regarding suicide etc., in the present case and this case is only under Section 420 IPC, I find that there is nothing on the record to show that present petitioner is innocent or has been falsely implicated. No reason or motive has been given as to why the PWs are deposing against the present petitioner.

The perusal of the record shows that prosecution has duly proved its case by leading cogent evidence beyond any reasonable doubt. The findings have been given by both the Courts below while appreciating the evidence in right perspective. In no way, the findings can be held as perverse. Nothing has been pointed out as to which material evidence has been misread and which material evidence has not been considered by the Courts below.

In view of the above discussion, I find that the impugned judgments passed by the Courts below are correct, as per law and do not require any interference from this Court.

Therefore, finding no merit in the present revision petition, the same is dismissed.

October 24, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No