

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No. 4369 of 2015
Date of decision : 30.03.2016

Santokh Singh
....Petitioner

V/s

State of Punjab
....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Kushagra Mahajan, Advocate for the petitioner.
Mr. Ankur Jain, AAG Punjab.

RAJAN GUPTA J.

Petitioner Santokh Singh had been convicted by the Sub
Divisional Judicial Magistrate, Patti under sections 120-B & 420 IPC
and was sentenced to undergo imprisonment as under:-

Offence	Sentence
120-B IPC	To undergo R.I. for three years
420 IPC	To undergo R.I. for three years

The petitioner preferred appeal before Additional
Sessions Judge, Tarn Taran against the judgment of his
conviction/sentence. Vide judgment dated 11.09.2015, same was
dismissed. Feeling aggrieved against the judgments of both the
courts below, 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:

FIR was registered on the complaint of Ranjit Kaur who is resident of village Nandpur, P.S. Patti. She stated that on 14/15.01.2007 she and her husband went to village Cheema Baath to meet accused Santokh Singh (petitioner herein) as she is not keeping good health. When they went to the house of petitioner, his wife namely Amarjit Kaur gave her one rupee coin and thread (Mouli) to complainant and assured her that she would be cured. Accused Amarjit Kaur told the complainant and her husband that there are two gold pitchers lying embedded in the courtyard of her parental home at village Gagarbhawa and she can get both these gold pitchers transferred to her present place of resident in village Nandpur with her divine intervention. Due to fraud played, complainant parted with ₹2,08,600/-. Later on complainant came to know that she had been duped by the accused. On this statement, FIR was registered by the police. After completion of investigation, challan against the accused was presented in the trial court.

Finding prima facie case under sections 420 & 120-B IPC charge was framed against the accused/petitioner, to which he 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 him. He refuted the incriminating circumstances and pleaded false implication. The accused, however, did not examine any witness in his defence.

On the basis of the evidence on record, learned trial court held the petitioner guilty of the charges under sections 120-B & 420 IPC and sentenced him as already indicated above. The appeal filed against the said judgment was also dismissed by the learned Additional Sessions Judge, Tarn Taran.

On 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 him. 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 person and main bread winner of his 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

Manjit Singh Kalra, Superintendent, Central Jail, Amritsar, according

to which petitioner had undergone actual custody of 07 months and 23 days as on 29.03.2016.

Keeping in view the facts and circumstances of the case, it is directed that the sentence awarded to the petitioner shall be reduced to one year. Ordered accordingly.

Except with modification in the quantum of sentence, as indicated herein above, the revision petition is dismissed.

March 30, 2016

Ajay

(RAJAN GUPTA)
JUDGE