

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

CRR No.4735 of 2015 (O&M)

Date of Decision: January 19, 2016

Surinder Kaur @ Shindo

.... Petitioner

vs.

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Baljeet Singh Kathuria, Advocate for the petitioner.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Impugned in the present revision is the judgment dated 31.08.2015 passed by learned Addl. Sessions Judge, Jalandhar, affirming the judgment of convictions and order of sentence dated 13.03.2014 passed by learned Judicial Magistrate 1st Class, Phillaur, vide which the accused-petitioner was convicted under Section 420 IPC and sentenced to undergo rigorous imprisonment 1½ years and to pay a fine of ₹1,000/- and in default thereof to further undergo rigorous imprisonment for three months.

The prosecution story in nutshell is that the accused-petitioner is stated to have duped the complainant Surinder Singh of ₹3,50,000/- on the promise of sending him to Cyprus. According to the prosecution version, the complainant had given ₹50,000/- along with passport to the accused-petitioner and then on getting VISA he gave ₹3,00,000/- and also gave photocopy of VISA. The accused-

petitioner, accordingly, returned the passport along with a forged document to the complainant but when he was about to enter the airport, the accused-petitioner made him a phone call, stating that there is some problem in the VISA so he should not enter the airport. It is further the case of prosecution that initially ₹50,000/- were given and then another sum of ₹3,00,000/- was given by the complainant to the accused-petitioner in the presence of Amandeep Singh, Kuldip Kaur and Sewak Nath.

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

To support the prosecution case, complainant Surinder Singh as well as Kuldip Kaur appeared and supported the case. Sewak Nath, who was declared hostile, partly supported the prosecution case and deposed that in the first week of August, 2007, Amandeep Singh and Surinder Singh came to him, who told him that they have given their passports to Surinder Kaur. Though, he does not know what money transaction was finalized.

Learned counsel for the accused-petitioner further contends that the statement of Kuldip kaur is not reliable as the accused-petitioner had earlier moved an application against her husband. Amandeep Singh, who is also cited as witness in this case, has not appeared and nor deposed against the accused-petitioner.

Kuldip Kaur has specifically stated that accused-petitioner deals in the business of sending the people abroad. Therefore, the statement of complainant Surinder Singh is supported by the statement of Kuldip Kaur and to some extent by Sewak Nath. The

story was believed by the trial court as well as by the first appellate court. Both the courts below have given the cogent reasoning for believing the prosecution story. One or the other discrepancy in the statements of witnesses is not sufficient to throw out the prosecution case. Thus, the accused-petitioner is rightly convicted and sentenced by the trial court.

Learned counsel for the accused-petitioner has argued that the accused-petitioner is a widow lady. Therefore, the sentence of 1½ years imposed upon her is quite harsh. Thus, prayer has been made for reduction of sentence.

I am of the view that the accused-petitioner is alleged to be doing unauthorized business of travel agency. She unauthorizedly arranged VISA and sent people aboard. Many people died while illegally going to some other countries. Malta Boat Tragedy and Panama Boat Tragedy are recent examples. Therefore, there is no ground to show any leniency to the accused-petitioner.

Accordingly, the present revision petition stands dismissed.

January 19, 2016
sarita

(KULDIP SINGH)
JUDGE