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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 1344 of 2017 (O/M)
Date of decision : 20.9.2017

Rajinder Singh

..... Revisionist

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. R.K. Saini, Advocate, for revisionist.

Mr. C.L. Pawar, Senior DAG Punjab.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
- . - .-

KULDIP SINGH J. (ORAL)

Heard.

The learned counsel for revisionist restricts his prayer on the quantum of sentence only.

In this case, revisionist has been convicted by the learned Sub Divisional Judicial Magistrate, Rajpura, for offences punishable under Sections 406, 420 IPC, vide judgment of conviction and order of sentence dated 5.4.2016 and was sentenced as under :-

<u>"Name of accused</u>	<u>Offence</u>	<u>Sentence</u>
Rajinder Singh	Under Sec. 420 IPC	To undergo Rigorous Imprisonment for a period of one year and also to pay fine of Rs. 200/-. In default of payment of fine to further undergo SI for seven days.
	Under Sec. 406 IPC	To undergo simple imprisonment for a period of three months."

The fine was paid. The appeal against the said judgment was

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dismissed by the learned Additional Sessions Judge, Patiala, vide judgment dated 22.11.2016.

It comes out that the allegations against revisionist are that he cheated the complainant and obtained Rs. 1,30,000/- from him for sending his son to Malaysia and arrange a work permit and instead, he arranged a tourist visa for the son of complainant. It comes out that both the Courts below have committed grave error while convicting revisionist for offences punishable under Sections 406 as well as 420 IPC. The allegations are of cheating and not of criminal breach of trust. Therefore, conviction awarded to revisionist under Section 406 IPC is hereby set aside. As per the custody certificate, revisionist has already undergone the actual sentence of about 8 months and 27 days (as on 4.7.2017), which now comes to about 11 months and 13 days.

Considering the facts and circumstances of the case, the sentence of revisionist awarded under Section 420 IPC is reduced to the period already undergone by him. He be released forthwith, if not required in any other case. Hence, revision is partly allowed.

(KULDIP SINGH)
JUDGE

20.9.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No