

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

**CRR No.2824 of 2017 (O&M)**  
**Date of Decision: December 07, 2017**

Dimple

...Petitioner

VERSUS

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr.Pushpinder Kaushal, Advocate  
for the petitioner.

Ms.Simranjeet Kaur, Asstt. Advocate General, Punjab  
for the respondent-State.

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**INDERJIT SINGH, J.**

The present revision has been filed by the petitioner Dimple against respondent State of Punjab, challenging the impugned judgment of conviction and order of sentence dated 21.11.2011 passed by learned Judicial Magistrate Ist Class, Kapurthala, vide which the petitioner along with co-accused was convicted and sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of ₹2000/- and in default of payment of fine, to undergo rigorous imprisonment for a period of 8 days and also challenging the judgment dated 01.07.2017 passed by learned Addl. Sessions Judge, Kapurthala, vide which appeal filed by petitioner was dismissed, whereas, co-accused Naveen Kumar was acquitted of the charge framed against him and appeal qua him was allowed.

From the record, I find that challan was presented against petitioner and co-accused in case FIR No.38 dated 04.08.2004 under Sections 406 and 420 IPC. The brief facts of the case as noted down in the judgment passed by learned JMIC, Kapurthala, are as under:-

*“2. Stated briefly the case of the prosecution is that Santokh Singh son of Shri Shiv Singh, resident of village Snagojla, P.S. Dhilwan, Kapurthala, moved a complaint on 22.3.2004, before the SSP, Kapurthala against Parveen Kumar alias Bittu son of Shri Jaspal Singh, Ram Piari wife of Shri Jaspal Singh and Dimple wife of Parveen Kumar alias Bittu, residents of Patti Jalluki, Dhilwan, Kapurthala and Naveen Kumar son of Shri Jaspal Singh, resident of Ferozepur. It has been alleged in the complaint that the said persons works as Travel Agents. Ram Piari and Parveen Kumar were known to them. In the year 2002, they offered him to send his elder son Jaspal Singh to England by stating that Naveen Kumar resident of Ferozepur is an influential person and could get his son settled in England. They demanded a sum of Rs.6,50,000/- for the same. Out of which Rs.3,00,000/- was to be taken in advance. On 25.6.2002, Parveen Kumar and Ram Piari came to his house in village Sangojla. He handed over to them Rs.40,000/- along with the passport of his son Jaspal Singh and six passport size photographs in the prsence of Joga Singh son of Shri Dalip Singh and Jaspal Singh son of Shri Mohinder Singh residents of his village and promised to pay Rs.2,60,000/-, thereafter. On 19.7.2002, after mortgaging his land, he arranged a sum of Rs.2,60,000/- and in the presence of Joga Singh and Jaspal Singh paid it to said persons in their house at Dhilwan. Parveen Kumar took Jaspal Singh to Delhi. In the place of sending him to England his son was sent to Tanjania where after residing for four months he came back. Thereafter, Parveen Kumar telephoned his mother Ram Piari and wife Dimple to send Jaspal Singh again. Ram Piari and Dimple came to their house in village Sangojla and told him that Parveen Kumar has asked to send Jaspal Singh again. After 3/4 days they got his son South Africa visa of Kenia country. Naveen Kumar took Jaspal Singh to Delhi on 26.12.2002 and from there to Kenia. On 1.3.2003, Ram Piari and Dimple came to their house and demanded remaining amount of Rs.3,50,000/- for sending his son to England. His son also telephoned him for paying the remaining amount. Thereafter, he along with Joga Singh and Jaspal Singh paid Rs.3,50,000/- to Ram Piari and Dimple in their house at Dhilwan. Thereafter, Parveen Kumar kept his son Jaspal Singh with him at Kenia and thereafter left him alone. After getting Rs.35,000/- from him and after facing a lot of harassment he*

*returned back. Upon being demanded they refused to pay the amount and failed to send his son abroad and have cheated him of an amount of Rs.6,85,000/-. The said complaint was marked for inquiry, which was conducted by Economic Offence Wing, Kapurthala, and on the basis of the report dated 3.6.2004, after obtaining the report dated 3.6.2004 and on the basis of his report, after obtaining the opinion from Deputy District Attorney (Legal), Kapurthala, the case in hand was registered. Accused Parveen Kumar could not be apprehended and accused Ram Piari and Dimple were sent to face the trial along with the report under Section 173 Cr.P.C.*

*3. Vide an order dated 24.07.2006 Naveen Kumar was summoned under Section 319 Cr.P.C. to stand trial.”*

In support of its case, prosecution examined PW-1 Santokh Singh, PW-2 SI (Retd.) Rattan Singh, PW-3 Jaspal Singh, PW-4 Santokh Singh (again examined) and PW-5 Inspector Gurwinder Singh.

In the statement under Section 313 Cr.P.C, the accused denied all the allegations and pleaded their innocence and false implication. In defence, accused examined DW-1 Ravinder Kumar, DW-2 Santosh Kumar and DW-3 Om Parkash.

Learned JMIC, Kapurthala, after appreciating the evidence, convicted and sentenced the petitioner and co-accused as stated above. Appeal was filed by the petitioner along with co-accused and the same was dismissed qua petitioner by learned Addl. Sessions Judge, Kapurthala, vide judgment dated 01.07.2017 and allowed qua co-accused Naveen Kumar.

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

I have heard learned counsel for the petitioner and have gone through the entire record including lower Court record.

From the perusal of the findings given by learned Courts below,

I find that the findings have been given while appreciating the evidence in

right perspective. 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. Nothing has been pointed out as to how the findings given by the Courts below are perverse or against the evidence and law.

The PWs have specifically deposed that Dimple along with her mother-in-law Ram Piari went to the house of Santokh Singh PW-4 and asked them to give passport and for sending Jaspal Singh, son of the complainant again. PWs have specifically deposed regarding making payment of the remaining amount to present petitioner and Ram Piari.

I have gone through the statements of the PWs. There is nothing in their cross-examination to disbelieve their statements. The PWs have consistently deposed regarding the prosecution version and there is no material improvements or contradictions in their statements. The witnesses are reliable witnesses and the Courts below have correctly relied upon their statements.

In view of the above discussion, I find that the prosecution has duly proved its case by leading cogent evidence beyond reasonable doubt against the accused-petitioner. Therefore, the judgments of conviction passed by both the Courts below are correct, as per law and do not require any interference from this Court.

Learned counsel for the petitioner, in the alternative, prayed for reduction of sentence imposed upon the petitioner.

Keeping in view the facts and circumstances of the present case and in view of the fact that petitioner is facing long protracted criminal proceedings since 2004 i.e. for the last about 13 years, the sentence imposed

upon the petitioner is reduced and she is directed to undergo rigorous imprisonment for a period of one year under Section 420 IPC instead of two years. However, sentence of fine and in default thereof, shall remain the same.

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

As regarding CRM No.34432 of 2017, the same is allowed. The sentences awarded to the petitioner in case FIR No.7 dated 22.03.2005 and case FIR No.38 dated 04.08.2004, registered at Police Station Dhilwan, Kapurthala, are ordered to run concurrently.

**December 07, 2017**  
Vgulati

**(INDERJIT SINGH)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

**Yes**  
**No**