

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

Crl. Revision 931 of 2015

Date of Decision : November 30, 2018

Jang Bahadur and another

.....Petitioners

VERSUS

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN

Present : Petitioners in person with
Mr. Rajesh Kapila, Advocate.

Ms. Diya Sodhi, Asstt. A.G., Punjab.

Mr. Ajaypal Singh Srawaan, Advocate
for respondent No.2-complainant.

T.P.S. MANN, J. (Oral)

The petitioners, namely, Jang Bahadur and Ravi Kumar, sons of Surjit Singh, were tried for committing the offence punishable under Section 420 IPC. Vide judgment and order dated 22.2.2013, learned Chief Judicial Magistrate, Ferozepur convicted them for the aforementioned offence and sentenced them to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs. 1,000/- each and in default of payment of fine, to further undergo simple imprisonment for one month.

Aggrieved of their conviction and sentence, the petitioners preferred an appeal but remained unsuccessful as it came to be dismissed by learned Additional Sessions Judge-II, Ferozepur vide judgment dated 27.2.2015. Still not satisfied, they filed the present revision which was admitted on 17.3.2015. Subsequently, vide order dated 23.4.2015, a co-ordinate Bench of this Court suspended their sentences of imprisonment.

According to the complainant, he was dealing in the business of sale/purchase of buffaloes and both the petitioners were also engaged in the same profession. On 4.3.2007 at about 8.00/9.00 a.m., the petitioners alongwith Bakhshish Singh and Gurmej Singh came to him and talked about sale/purchase of buffaloes with him. They told him that a market for sale and purchase of buffaloes was being organized in village Kurali, District Ropar on second Saturday of every month and in that market they could get better price for buffaloes and in this way both the parties would earn profit. The complainant fell in their trap and accepted their proposal. The petitioners took five buffaloes for a price ranging between Rs. 19,000/- and Rs. 23,000/- and left for the market. On 11.3.2007, the complainant alongwith Vinod Kumar and Gurmej Singh went to the market but did not find the petitioners there. In the evening, he approached them and enquired about the buffaloes but they put off the matter

on one pretext or the other. After that the complainant approached the petitioners many times, who told him that they have been successful in cheating him.

Learned counsel for the petitioners submits that he does not challenge the conviction of the petitioners, as recorded by the learned trial Court and upheld by the learned lower appellate Court. He has, however, submitted that the petitioners are facing the agony of criminal prosecution for the last more than eleven years and were aged about 35 years. They are the sole bread winners of their respective families. They are first offenders. Out of the sentence of six months imposed upon them, they have already served a period of two months. Therefore, they deserve leniency in the matter of sentence of imprisonment.

Learned counsel for respondent No.2-complainant has vehemently opposed the prayer by submitting that the petitioners do not deserve any leniency in the matter of sentence of imprisonment.

As per the custody certificate produced by the learned State counsel, both the petitioners have already undergone an actual sentence of two months. None of them is shown to be either involved or convicted in any other case.

Taking into consideration the totality of the

circumstances, this Court is of the view that the petitioners need not be sent behind the bars for undergoing the remaining sentence of imprisonment imposed upon them. Ends of justice shall be suitably met, if their substantive sentence of imprisonment is reduced to the one already undergone by them. At the same time, the amount of fine can be enhanced so as to compensate the complainant.

Resultantly, the conviction of the petitioners under Section 420 IPC is upheld. Their substantive sentence of imprisonment is reduced to the one already undergone by them. The fine of Rs. 1,000/- imposed upon them is, however, enhanced to Rs. 20,000/- each. In default of payment of fine, they shall undergo simple imprisonment for three months. The entire amount of fine, when recovered/deposited, be disbursed in favour of respondent No.2-Sohan Lal-complainant as compensation.

The revision is, accordingly, disposed of.

November 30, 2018

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**(T.P.S. MANN)
JUDGE**

Whether speaking/reasoned.
Whether Reportable.

: Yes/No
: Yes/No