

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

CRR-2218-2017(O&M)

Date of Decision:11.05.2018

Kuldeep Nahar

.....Petitioner

Vs.

State of UT, Chandigarh

...Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Rajesh Verma, Advocate,
for the petitioner.

Mr. Sukant Gupta, Addl.PP, UT, Chandigarh.

AMOL RATTAN SINGH, J. (Oral)

Though notice of motion was issued in this petition only qua the quantum of sentence, it is seen that as per the custody certificate on record dated 22.03.2018, the petitioner has been sentenced to 1 year and 6 months of rigorous imprisonment in yet another case of a similar nature, with the allegations in that case also being that he had sold property not belonging to him.

Learned counsel for the petitioner and learned Addl.P.P., UT, Chandigarh, are not at variance as to the fact that it was the same property which was found to have been sold by the petitioner to a different complainant in the FIR registered against him, as is in question in these proceedings.

In the present case, as per the case of the prosecution, which stands proved before the Courts below, the petitioner duped the complainant of about Rs.49 lakhs.

That being so, with the petitioner indulging in fraud qua a property he did not own, with two persons, and the sentence of imprisonment imposed in the other case having been reduced by the appellate Court in that case, from 2 years to 1 ½ years, I see no ground to entertain this petition even qua the quantum of sentence, the petitioner in any case already having undergone about 1 ½ years of actual imprisonment, with a remission of 4 months and 13 days also available to him, as per the aforementioned custody certificate.

Consequently, finding no merit in this petition, it is dismissed.

May 11, 2018

dharamvir/dinesh

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO