

CRR-4562 of 2017 (O&M)

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

CRR-4562 of 2017 (O&M)
Date of Decision: 29.11.2018

Sarabjit Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Jasdeep Singh, Advocate,
for Mr. M.K. Dhot, Advocate,
for the petitioner.

Mr. Amandeep S. Gill, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Custody certificate filed in Court today is taken on record.

Petitioner along with his co-accused Manjit Singh, who was declared proclaimed offender, was held guilty under Section 420 IPC and sentenced to undergo rigorous imprisonment for two years and pay fine of ₹5,000/-; in default thereof to undergo rigorous imprisonment for 15 days by the trial Court vide judgment of conviction and order of sentence dated 05.06.2014 in a case arising from FIR No.176 dated 25.06.2005 registered under Sections 420, 406 and 120-B IPC at Police Station Mohali, on the allegations that they cheated complainant Bant Kaur for ₹5,00,000/- on the false pretext of sending her son abroad, which she had arranged by selling his jewellery, some property and obtaining loan on interest. When the

petitioner and his aforesaid accomplice could not fulfil their promise,

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complainant Bant Kaur asked them to return her money, whereupon they threatened her with dire consequences, in case she demanded money. Petitioner and his co-accused also handed over a cheque to the complainant for ₹3,00,000/-, but the same on presentation got bounced.

Being aggrieved, petitioner approached First Appellate Court, but remained unsuccessful as his appeal too was dismissed vide impugned judgment dated 26.10.2017.

Learned counsel for the petitioner *inter alia* contends that both the Courts below failed to appreciate that no receipt qua taking amount by the petitioner or his accomplice from the complainant was produced by the prosecution to support its contention that complainant was cheated for ₹5,00,000/-. The alleged cheque of the cheated amount was issued by co-accused of the petitioner Manjit Singh, who is still absconding. Prosecution also failed to prove that the petitioner was working as travel agent. There were major contradictions in the statements of the prosecution witnesses regarding quantum of cheated amount.

On the other hand, learned State counsel, refuting above submissions of learned counsel for the petitioner, has pleaded legality and validity of the impugned judgments.

Having given anxious consideration to the rival submissions, this Court finds that instant revision is completely devoid of any merit for the reasons to follow.

No question of law, muchless substantial, has been raised in this revision.

This Court has a very limited scope to re-appreciate the

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evidence, inasmuch as revisional Court can exercise jurisdiction only when the Courts below have not exercised their jurisdiction properly or have acted beyond their jurisdiction or have committed some material irregularity. Perusal of the impugned judgments of both the Courts below shows that same are based on appreciation of evidence having no illegality or perversity in the same.

Minor contradictions in the statements of prosecution witnesses, which are insignificant in nature, have rightly been ignored by both the Courts below, inasmuch as it is well-settled that statement of a witness has to be read as a whole and not in isolation. From the wholesome reading of the statement of the complainant, who is an illiterate lady, the only irresistible conclusion which can be drawn is that petitioner and his co-accused cheated her for ₹5,00,000/- on the false pretext of sending her son abroad.

If the petitioner or his accomplice had not cheated the complainant, in that eventuality, there was no occasion for issuance of a cheque by co-accused of the petitioner namely, Manjit Singh a proclaimed offender in favour of the complainant for ₹3,00,000/-. This fact in itself favours allegations of the complainant against the petitioner and his accomplice.

Production of any evidence that petitioner was working as a travel agent was not necessary, inasmuch as he and his accomplice cheated the complainant in their individual capacity and not propagating themselves as travel agents.

I have gone through the impugned judgments of both the

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Courts below and find no illegality or perversity in the same.

Dismissed.

November 29, 2018
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No