

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

CRR-2496-2018 (O&M)
Date of decision : 09.09.2019

Rajesh Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Imran Farooqi, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

ANIL KSHETARPAL, J. (ORAL)

CRM-26532-2018

For the reasons stated in the application, delay of 47 days in filing the present appeal is condoned.

Application is allowed.

Main case

The present criminal revision petition has been preferred against the judgment passed by the learned Judicial Magistrate Ist Class, Patiala, convicting the petitioner under Section 420 of the Indian Penal Code and sentencing him to undergo rigorous imprisonment for a period of 2 years with a fine of ₹500/-. In default of payment of fine, further undergo simple imprisonment for a period of one week.

It has come in evidence that the petitioner was running a racket

for providing jobs in army. The case set up by the prosecution has been proved by leading cogent evidence. Appeal filed against the judgment of conviction has also been dismissed by the Court of Sessions.

Learned counsel for the petitioner submitted that there is no evidence of payment of ₹10,000/- per person as alleged. Hence, he submits that in absence of proof, the petitioner could not be convicted.

On the other hand, learned counsel for the State has pointed out that the first informant-Sabar Ram, has appeared and proved the complaint made. Pappu and Davinder Kumar have also supported the case of the prosecution. Still further, military uniforms and a scooter was recovered from the petitioner.

In view thereof, the absence of production of receipt would not be material. Prosecution has proved its case through oral evidence. Hence, there is no ground to interfere.

Accordingly, the present criminal revision petition is dismissed.

09.09.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No