

CRR-3634-2018

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

**CRR-3634-2018 (O & M)
Date of Decision: 17.08.2020**

Arvinder Singh alias Ravinder Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vishal Sharma(Vasudeva), Advocate,
for the petitioner.

Mr. H.S.Sitta, AAG, Punjab.

Mr. Lovish Rattan, Advocate,
for respondent No.2.

HARNARESH SINGH GILL, J.(Oral)

Case is taken up for hearing through video conferencing.

Custody certificate by way of affidavit of the Superintendent,
Central Jail, Gurdaspur, has been filed through e-mail. Print out of the same
is taken on record.

Challenge in the present revision petition is to the judgment
dated 24.09.2018 passed by the learned Additional Sessions Judge,
Gurdaspur, whereby while dismissing the appeal filed by the petitioner, the
judgment of conviction and order of sentence dated 24.11.2017 passed by
the learned Judicial Magistrate Ist Class, Batala, in FIR No.171 dated
03.11.2015, under Section 420 IPC, registered at Police Station Civil Lines,
Batala, has been upheld.

The petitioner was tried for committing the offence under

CRR-3634-2018

Singh, submitted a written complaint to the Senior Superintendent of Police, Batala, with the averments that a travel agent, who resides at Batala, had induced him to pay Rs.1,97,000/- on the pretext of sending him Singapore. Earlier, his father had also moved complaint before the police, but no action had been taken against the accused. The said travel agent had neither sent him abroad nor returned his money, thereby causing a wrongful loss to him. A detailed inquiry was conducted into the matter and thereafter, the above-noted FIR was registered.

On the basis of the evidence led, it stood proved before the learned trial Court that the petitioner had duped the complainant of Rs.1,97,000/- on the pretext of sending him abroad and he had neither fulfil his promise nor returned the money. Consequently, the petitioner was convicted under Section 420 IPC. He was, accordingly, sentenced to undergo as under:

Section	Sentence	Fine	In default of payment of fine
420 IPC	Rigorous imprisonment for a period of two years.	Rs.500/-.	Rigorous imprisonment for a period of one month.

Aggrieved of the judgment and order passed by the learned trial Court, the petitioner preferred an appeal before the learned Additional Sessions Judge, Gurdaspur. However, vide impugned judgment dated 24.09.2018 passed by the learned Additional Sessions Judge, Gurdaspur, the appeal had been dismissed, thereby affirming the judgment and order passed by the learned trial Court.

CRR-3634-2018

petition.

I have heard the learned counsel for the parties and gone through the record.

Both the courts below after having scrutinized the evidence on record, have rightly convicted the petitioner for the offences under Section 420 IPC. Learned counsel for the petitioner could not point out any perversity or illegality in the findings recorded by the courts below nor could it be disputed by the learned counsel that the petitioner had duped the complainant of Rs.1,97,000/- on the pretext of sending him abroad. Thus, in my opinion, in view of the evidence on record, there is no scope for interference in the findings of the courts below, so far as the conviction part is concerned. Hence, the conviction of the petitioner under Section 420 IPC is upheld.

Faced with this situation, learned counsel for the petitioner confines his prayer to the sentence part. He submits that the occurrence in this case took place in the year 2015; that the matter has been compromised with the complainant and an amount of Rs.1,97,000/- has already been paid to the complainant and that he has undergone the sentence of 03 months and 03 days, out of the total sentence of 02 years. Thus, it is prayed that the sentence imposed upon the petitioner may be reduced to the period already undergone by him.

On the other hand, learned State counsel opposes the prayer made by the learned counsel for the petitioner and submits that even on the sentence count, the petitioner does not deserve any indulgence by this Court.

CRR-3634-2018

However, learned counsel for respondent No.2-complainant does not dispute the factum of receiving an amount of Rs.1,97,000/- by the complainant from the petitioner.

In compliance of the order dated 03.12.2018, learned Judicial Magistrate Ist Class, Batala, submitted the report dated 17.01.2019 stating that the petitioner is also involved in another case bearing FIR No.116 dated 02.11.2015, registered under Sections 307, 323, 395, 420, 148 and 149 IPC, at Police Station City Batala.

In response to the aforesaid report, it is submitted by the learned counsel for the petitioner that in the above-noted FIR No.116 dated 02.11.2015, challan has been presented under Sections 323, 420, 465 and 34 IPC only and the petitioner has already been enlarged on bail.

Keeping in view the facts and circumstances of the case coupled with the facts that the petitioner has paid an amount of Rs.1,97,000/- to the complainant and that he has undergone the sentence of 03 months and 03 days, this Court finds that it is a fit case wherein sentence awarded to the petitioner can be reduced to the period already undergone.

Accordingly, the judgments of conviction passed by the courts below are upheld and sentence awarded to the petitioner is reduced to the period already undergone by him.

With the aforesaid modification in the impugned order of sentence, the present revision is disposed of.

17.08.2020

parveen kumar

Note: Whether speaking/reasoned
Whether reportable

(HARNARESH SINGH GILL)
JUDGE

: Yes/No
: Yes/No