

**CRR-2249-2019**

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

**CRR-2249-2019 (O & M)  
Date of Decision:20.01.2020**

Manjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. D.S.Randhawa, Advocate,  
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

**HARNARESH SINGH GILL, J. (Oral)**

Custody certificate by way of affidavit of Sh. Inderjeet Singh Kahlon, PPS, Deputy Superintendent, New District Jail, Nabha, has been filed in the Court today. The same is taken on record.

The petitioner was tried for committing the offences punishable under Sections 420 and 406 IPC. Vide judgment of conviction and order of sentence dated 10.12.2014, the learned Sub Divisional Judicial Magistrate, Amloh, held the petitioner guilty under Sections 420 and 406 IPC and sentenced him as under:

| <b><i>Conviction<br/>under<br/>Section</i></b> | <b><i>Imprisonment</i></b>           | <b><i>Fine, if any.</i></b>                                                                     |
|------------------------------------------------|--------------------------------------|-------------------------------------------------------------------------------------------------|
| 420 IPC                                        | Rigorous imprisonment for two years. | Rs.1000/- and in default of payment of fine to further undergo simple imprisonment for 15 days. |

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| <i><b>Conviction<br/>under<br/>Section</b></i> | <i><b>Imprisonment</b></i>          | <i><b>Fine, if any.</b></i>                                                                   |
|------------------------------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------|
| 406 IPC                                        | Rigorous imprisonment for one year. | Rs.500/-and in default of payment of fine to further undergo simple imprisonment for 10 days. |

Aggrieved there-against, the petitioner filed an appeal before the learned Sessions Judge, Fatehgarh Sahib. Vide impugned judgment dated 22.07.2019, the learned Additional Sessions Judge, Fatehgarh Sahib, dismissed the appeal filed by the petitioner, thereby affirming the judgment and order passed by the learned trial Magistrate. Still aggrieved, the petitioner has preferred the present revision petition.

As would emerge from the facts of the case, complainant-Netar Singh made a complaint to the SSP, Fatehgarh Sahib, against the present petitioner to the effect that the petitioner had posed himself as a travel agent and duped him of a sum of Rs.1,50,000/- being a part payment of larger amount of Rs.4 lakh, on the false assurance of sending his son abroad.

On the basis of evidence led, while holding that the petitioner-accused had cheated the complainant by inducing him to give Rs.1,50,000/- for sending his son abroad, but he had neither sent son of complainant abroad nor returned the amount and thereby he had misappropriated and converted the amount entrusted to him for his own use without the consent of the complainant, he was held guilty under Sections 420 and 406 IPC and sentenced accordingly.

At the very outset, learned counsel appearing for the petitioner, states that without disputing the findings of guilt recorded against the

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petitioner-accused, he confines his prayer to the quantum of sentence only. Learned counsel contends that the present FIR was registered on 06.01.2011 and that the petitioner has been facing the agony of protracted trial for the last 09 years. Still further, out of the total substantive sentence of two years, the accused-petitioner has already undergone the actual sentence of 11 months and 06 days. It is, thus, submitted that taking into consideration the the substantial period of sentence already undergone by the accused-petitioner, the sentence imposed upon him may be reduced to the period already undergone by him.

I have heard the learned counsel for the parties.

Taking into consideration that the accused had cheated the complainant and misappropriated the amount, no fault could be found with the judgments and order passed by the Courts below. Still further, as noticed above, learned counsel for the petitioner has rightly not disputed the finding of guilt recorded by the Courts below. In view of the said fact, the conviction of the petitioner under Sections 406 and 420 IPC is upheld.

Coming to the quantum of sentence, as stated above, the petitioner has already undergone 11 months and 06 days of actual sentence out of the total sentence of two years. Taking into account that the petitioner has been facing the agony of protracted trial for the last 09 years, in my opinion, no useful purpose would be served by keeping him behind the bars to undergo the remaining sentence. Rather, ends of justice would be suitably met, if the sentence imposed upon the accused-petitioner is reduced to the period already undergone by him.

In view of the above, while maintaining the conviction of the

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petitioner under Sections 406 and 420 IPC, the sentence imposed upon him is reduced to the period already undergone by him. However, the sentence of fine and in default thereof, shall remain the same. The petitioner-accused be released forthwith in this case, if not required in any other case.

Disposed of in the above terms.

**20.01.2020**

parveen kumar

**(HARNARESH SINGH GILL)**  
**JUDGE**

|              |                           |   |        |
|--------------|---------------------------|---|--------|
| <b>Note:</b> | Whether speaking/reasoned | : | Yes/No |
|              | Whether reportable        | : | Yes/No |