

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-4131-2017

DATE OF DECISION: DECEMBER 1, 2022

BOOTA SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB & ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA.

PRESENT: MR. D.R. PUNIA, ADVOCATE
FOR THE PETITIONER.

MR. JASHANDEEP SINGH, AAG, PUNJAB.

MR. CHANDER SHEKHAR SINGHAL, ADVOCATE
FOR RESPONDENT NO.2-COMPLAINANT.

DEEPAK MANCHANDA, J.(ORAL)

The petitioner has preferred the revision petition challenging the appellate Court judgment dated 16.9.2017, passed by the learned Addl. Sessions Judge, Ludhiana, whereby the appeal preferred by the petitioner against the judgment of conviction and order of sentence dated 2.2.2016, passed by the trial Court was partly allowed by upholding his conviction and sentence under Section 420 IPC and setting aside the same under Section 406 IPC.

The facts leading to the revision petition are that Bahadur Singh made a statement that he intended to send his brother Davinder Singh to Italy and therefore, he contacted Jasvir Kaur wife of Rajwinder Singh and Boota Singh and they demanded Rs.5 lakhs for the same. On 19.3.2004, complainant Bahadur Singh and his brother handed over Rs.50,000/- as advance alongwith the passport to them for sending his brother abroad till

4.4.2004, else the amount would be returned back on 6.4.2004. An agreement to this effect was also undertaken between the parties. It was further stated that neither the brother of Boota Singh was sent abroad nor the money was returned by them, as agreed, which resulted into registration of the present FIR against the petitioner.

The trial Court after examining the evidence on record convicted the petitioner under Section 406, 420 IPC and sentenced to him to undergo RI for 2 years under Section 406 IPC and RI for 3 years and to pay fine of Rs.5000/- and in default, to undergo further SI for 7 days under Section 420 IPC.

Aggrieved against the same, the petitioner preferred an appeal before the appellate Court which was partly allowed by setting aside his conviction and sentence under Section 406 IPC, however, conviction and sentence under Section 420 IPC was upheld.

Learned counsel for the petitioner states on 10.11.2017, notice of motion in the present case was issued only to the restricted point that the petitioner is ready to settle the matter. He further states that the matter has been amicably settled between the parties and he does not press his challenge to the conviction part in the impugned judgment and confines his prayer only for reduction of sentence to the one already undergone by the petitioner.

Learned counsel appearing for respondent No.2-complainant does not dispute that the matter has been amicably settled between the private parties and he has no objection if the sentence of the petitioner is modified and reduced to the one already undergone by him.

Learned counsel for the State has filed the custody certificate of

the petitioner which reveals that the petitioner has undergone a sentence of 7 months and 1 day out of total 3 years, pursuant to the impugned judgment of conviction and order of sentence.

After hearing learned counsel for the parties, this Court finds that as the offence was financial in nature and the parties have already settled the dispute, therefore, the ends of justice would be met if the sentence imposed upon the petitioner-convict is modified and reduced to the period already undergone by him.

Resultantly, the revision petition is disposed of and the conviction recorded by the learned trial Court and upheld by the appellate Court under Section 420 IPC is maintained. However, the order of sentence is modified and reduced to the period already undergone by the petitioner-convict.

The petitioner is stated to be on bail. His bail bonds stands discharged.

Since the main case is disposed of, pending application(s), if any, also stand disposed of.

December 1, 2022
Gulati

(DEEPAK MANCHANDA)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No