

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

CRR No.1433 of 2017

Date of decision: 25th January, 2023

Pargat Singh & others

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Gursharan K. Mann, Senior Advocate with
Mr. Gursharan Singh, Advocate for petitioner No.1.
Mr. D.S. Gandhi, Advocate for petitioners No.2 and 3.
Mr. Ramdeep Pratap Singh, Sr. DAG, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J.

The petitioners have filed the instant revision petition to impugn the order dated 21.03.2017 passed by learned Addl. Sessions Judge, Tarn Taran whereby the appeal preferred by them against the judgment of conviction and order of sentence dated 04.05.2015 passed by learned Judicial Magistrate 1st Class, Tarn Taran, was dismissed.

Vide judgment dated 04.05.2015, learned Judicial Magistrate 1st Class, Tarn Taran, convicted and sentenced each of the petitioners to undergo rigorous imprisonment for a period of 3 years and to pay a fine of ₹ 800/- each and in default of payment of fine to further undergo rigorous imprisonment for one month under Section 420 IPC.

The case as set up by the prosecution is that complainant Hardev Singh alleged that he had been cheated in the sum of ₹ 8.00 lacs by the petitioners on the pretext of sending him to Italy on permanent basis and getting him a job there. Though he was sent to Italy but no job was provided to him nor was the money returned to him on his return to India. On the basis of an enquiry, the FIR in question was registered.

I have perused the judgments passed by Courts below and do not find any illegality much less perversity in them.

Learned counsel for the petitioners has fairly submitted that in view of the findings of fact recorded by both the Courts below, he would not press the instant revision petition on merits and would instead restrict her prayer qua quantum of sentence only. Learned counsel submits that the occurrence in question pertains to the year 2010 and the petitioners have thus, suffered the agony of protracted trial for the last more than 12 years. Learned counsel further submits that the petitioners have been leading the life of disciplined and peace loving citizens ever since then and are not involved in any other criminal case. A prayer, therefore, has been made that in the aforesaid facts and circumstances, a lenient view be taken and the quantum of sentence awarded to the petitioners by the Trial Court be reduced to the period already undergone as no useful purpose would be served by sending the petitioners behind bars.

Heard learned counsel for the parties and perused the relevant material available on record.

Keeping in view the facts and circumstances of the case as well as the submissions made by learned counsel for the petitioners, this Court is of the considered view that ends of justice would be met, if while maintaining the conviction of the petitioners, their substantive sentence of three years is reduced to the sentence already undergone by him in the present case. The petitioners are ordered to be released in case not required in any other case.

However, fine imposed on the petitioners is enhanced from Rs.800/- to Rs.10,000/-. It is made clear that in case of non-deposit of fine with the trial/successor Court within a period of two months from the date of this order, benefit of reduction of sentence shall not accrue to the petitioners and they will be required to undergo the remaining part of the sentence awarded to them. On deposit of fine, the same shall be disbursed to the complainant.

With the aforesaid modifications, the instant revision petition is disposed of.

(MANJARI NEHRU KAUL)
JUDGE

January 25, 2023

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No