

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-A-1762-2019 (O&M)
Date of Decision : 21.11.2023

Smt. Joginder Kaur

....Appellant.

VERSUS

Santokh Singh

....Respondent

**CORAM : HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Vineet Chaudhary, Advocate for the appellant.

Mr. Sandeep Singh, Advocate for the respondent.

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SURESHWAR THAKUR, J. (Oral)

CRM-23449-2019

1. Mr. Sandeep Singh, Advocate has put in appearance on behalf of the respondent and has filed his power of attorney. The same is taken on record.

2. Since the institution of the instant application seeking leave to appeal, before this Court, is barred by a delay of 09 days. However, when the said period of delay has been sufficiently explained. Therefore, the application is allowed, and, the delay of 09 days, in the filing of the instant application seeking leave to appeal is condoned.

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1. Through, the instant application, the applicant seeks leave to appeal against the verdict of acquittal as became rendered by the learned Judicial Magistrate, Ist Class, Ambala on 06.05.2019, in complaint bearing Crl.Case No.13-RBT, dated 07.08.2014.

2. The brief facts of the case are that both the accused visited the house of complainant and made representation that they sends needy people abroad as their son is living in Spain. Both the accused told the complainant that they will complete all the formalities and will also arrange for a permanent job for their son in Spain and he can easily earn more than Rs.1,50,000/- per month in foreign country. The complainant believed the accused and agreed to send his son Ranjit Singh to Spain.

3. The allegations made in the complaint *viz. a viz* the accused were to the effect that the complainant became duped a sum of Rs.11,50,000/-, on the pretext of the accused sending her son to Spain, and, also arranging for his permanent employment there, whereas, ultimately the accused made the son of the complainant to travel to Italy, and also did not, as promised by him, secure any permanent employment for him. The learned Trial Judge concerned after perusing the relevant evidence as, became adduced before her, thus concluded that rather no cogent evidence become adduced, hence comprised in receipts signed by the accused, thus displaying that thereby he had received a sum of Rs.11,50,000/- from the complainant. If so, the said lack of evidence makes the said allegation to completely stagger. Contrarily it has to be also inferred that not Rs.11,50,000/- but a some lesser than Rs.11,50,000/-, was without any signaturred receipts, thus becoming handed by the present complainant to the accused. If so, the said transfer of money is concluded to be the one, as was

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required to purchase the tickets, and also was thus required for purveying liasoning services, if any, to the complainant by the accused.

4. Learned Trial Court concerned also after perusing the relevant evidence disbelieved the said allegation, inasmuch as, the learned Trial Judge concluded that though the complainant alleged that the said amounts became reared by her from his selling the landed property, as well as by him, selling her tractor-trolley, but since no evidence in respect of the said sale transactions, thus becoming adduced, thereby the conclusion made by the learned Trial Court, that even the said allegation is to be disbelieved, but naturally is to be held to be aptly recorded

5. Since the above inferences as made by the learned Trial Court are merit worthy and also do not arise from any perversity of any misappraisal of evidence, therefore, this Court does not find any reason, to interfere with the impugned verdict, given by the learned Trial Court. Consequently, the asked for leave to appeal is declined, and, the impugned verdict is maintained and affirmed.

6. The appeal is dismissed.

7. All the pending applications, if any, also stand disposed off.

(SURESHWAR THAKUR)
JUDGE

November 21, 2023
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(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No