



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRR-458-2008 (O&M)
Date of decision: 09.09.2025

Peter SinghPetitioner
Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kamal Gupta, Advocate (amicus Curiae)
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The present Criminal Revision Petition has been preferred by the accused/revisionist, assailing the judgement of conviction and order of sentence dated 13.07.2007 passed by the learned Trial Court, which stood affirmed by the Lower Appellate Court on 02.01.2008. The learned Trial and Appellate Courts, on appreciation of the evidence adduced by the prosecution, recorded concurrent findings holding the revisionist guilty.

2. The grounds urged before this Court in revision are that the impugned judgments are manifestly illegal, erroneous and contrary to the record. It is submitted that the learned Trial and Appellate Courts have failed to appreciate that the prosecution has not proved its case beyond reasonable doubt and that conviction has been based merely on surmises and conjectures.

3. The principal contentions advanced on behalf of the revisionist by learned Amicus Curiae, are summarised as follows :



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(i) That the FIR is vague and silent as to the dates of the alleged transactions or the date on which the son of the complainant allegedly went abroad at the instance of the revisionist.

(ii) That the prosecution story regarding payment of Rs.8 lakh is wholly unsubstantiated, inasmuch as no mortgage deed or other documentary proof of raising such amount has been adduced.

(iii) That the testimony of the complainant and that of PW Piara Singh are inconsistent regarding the alleged mortgage, which renders the prosecution case doubtful.

(iv) That there was no written agreement between the complainant and the revisionist; rather, the alleged agreement was with the co-accused Bindu, who has since been acquitted. On the same set of allegations, convicting the revisionist while acquitting Bindu is argued to be against the settled principles of criminal jurisprudence.

(v) That there is no recovery of money or any incriminating document from the revisionist; he is not a travel agent but an illiterate villager.

(vi) That no passport, visa or flight related documents of the son of the complainant have been produced, nor any confirmation obtained from the Moroccan Embassy, though the prosecution alleged that the son of the complainant had reached Morocco.

(vii) That the prosecution witnesses being inconsistent, and the material evidence lacking, conviction of the revisionist is, therefore, unsustainable.

4. On the other hand, learned State counsel has supported the



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judgments of the learned Trial and Appellate Courts, by submitting that the prosecution has led cogent and consistent evidence to prove that the complainant was induced by the revisionist to part with a huge sum of Rs.8 lakhs on the promise of sending his son abroad. The testimony of the complainant, corroborated by the independent witness Swarna Ram (Sarpanch), clearly proved the demand and acceptance of money. It is urged that the concurrent findings are based on proper appreciation of evidence and do not suffer from any illegality warranting interference in revision.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. The case of the prosecution originates from the complaint of Mohinder Singh, who deposed that on the inducement and assurance given by the revisionist Peter and his sister Bindu, he paid a total sum of Rs.8 lakhs for sending his son Surjit Singh abroad. The payments were made in three instalments of Rs.4 lakhs, Rs.3 lakhs and Rs.1 lakh in the presence of PW Swarna Ram, the Sarpanch. Thereafter, the revisionist took the son of the complainant to Delhi. After about a month, the revisionist informed the complainant that his son had gone abroad, though not to England. Subsequently, after several months, the son himself telephoned from Morocco, stating that he was stranded there. Since then, his whereabouts remain unknown.

7. The testimony of the complainant (PW Mohinder Singh) has been categorical and consistent on material particulars. He has fully supported the version of the prosecution, and his testimony has been



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corroborated by PW Swarna Ram, an independent witness, who attested the payment of money to the revisionist. PW Piara Singh has also testified to the fact that the complainant had mortgaged his land to raise funds for the said purpose. Minor discrepancies pointed out in the cross-examination regarding the mode of mortgage or purchase of land do not go to the root of the matter.

8. The contention that no written agreement was executed, and that the co-accused Bindu stands acquitted, does not inure to the benefit of the revisionist. The evidence on record clearly shows that the complainant made the payments to both accused, including the revisionist and it was the revisionist who personally took the complainant's son to Delhi and thereafter falsely informed the complainant that the boy had reached abroad. The active role attributed to the revisionist has been specifically proved, and therefore, his case stands on a distinct footing from that of Bindo, who was extended the benefit of doubt.

9. As regards the absence of passport or travel documents, it is to be noted that the charge against the revisionist was of cheating and criminal conspiracy by inducing the complainant to part with money on false assurances. The substratum of the offence is the inducement and dishonest intention, which has been proved beyond doubt. The prosecution is not required to prove the actual journey of the son of the complainant abroad by production of immigration records, as the gravamen of the offence is the deception practised upon the complainant.



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10. The argument that the complainant, being a prudent man, would not have parted with Rs.8 lakhs without a written agreement is also without substance. It is well known that transactions of this nature are often carried out informally in rural settings, and the consistent testimony of the complainant, supported by an independent witness, establishes that the money was indeed paid to the revisionist.

11. The plea that the revisionist is an illiterate villager and not a travel agent also cannot absolve him of liability, when the evidence clearly demonstrates that he held out false assurances, accepted large sums of money, and deceived the complainant.

12. The concurrent findings of learned Trial and Appellate Courts are thus based on sound appreciation of evidence, and this Court finds no perversity, illegality or material irregularity warranting interference in revision.

13. In view of the foregoing discussion, this Court is of the considered opinion that the prosecution has successfully proved its case beyond reasonable doubt against the revisionist. The concurrent findings of conviction and sentence recorded by the Trial Court and affirmed by the Appellate Court are upheld.

14. At this stage, a request has been made for taking lenient view in view of the fact that the FIR in question was registered more than two decades back and petitioner has endured the ordeal of protracted criminal proceedings, is peace-loving and law-abiding citizen, and has no other criminal antecedents. Therefore, no useful purpose would be served by subjecting the petitioner to further



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incarceration.

15. In the considered view of this Court, having regard to the facts enumerated hereinabove, particularly the circumstance that the FIR was registered more than two decades back, and taking note of the fact—undisputed by the learned State counsel, that the petitioner has not indulged in any other criminal act thereafter and has otherwise been leading a disciplined and law-abiding life, it would not be appropriate to send him back to prison at this stage of life, especially when he has already borne the brunt of prolonged trial proceedings.

16. In the totality of circumstances, ends of justice would be adequately met if, while upholding the conviction of the petitioner, his substantive sentence of rigorous imprisonment for a period of 02 years is reduced to the period already undergone by him i.e. 01 year and 08 months.

17. Ordered accordingly.

18. With the aforesaid modification in the quantum of sentence, the instant revision petition stands disposed of.

19. Pending applications, if any, stand disposed of.

09.09.2025

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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