

Gurpal Singh vs The State Of Punjab on 16 January, 2020

Bench: N.V. Ramana, Sanjiv Khanna, Krishna Murari

1

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No(s). 269 OF 2011

GURPAL SINGH

Appellant(s)

VERSUS

THE STATE OF PUNJAB

Respondent(s)

O R D E R

Heard learned counsel for the parties. The appellant was convicted under Section 420 read with Section 120-B of the Indian Penal Code, 1860 (in short 'the IPC') initially by the trial court and sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs.1,000/- each for the offence punishable under Section 420 read with Section 120-B IPC as also under Section 120-B IPC. The appeal against the order of the trial court was dismissed by the Additional Sessions Judge, Kapurthala. Thereafter, in revision, the High Court while upholding the conviction of the appellant has reduced the sentence to two years without altering the sentence of fine.

The facts, in brief, as per prosecution are that the appellant, along with his accomplices, was alluring youths by promising to send them to foreign countries for employment against the payment of heavy amount. The sum and substance of the case is that the appellant has cheated the complainants for an amount of Rs.3,25,000/- on the assurance of sending them to Italy, but did not fulfil the same.

Without going into the merits of the case, we will confine our order only to the extent of the submission on behalf of the appellant, that he is willing to return the amounts received by him and his accomplices from the complainants.

As per Order dated 26.04.2010 passed by this Court, the appellant undertook to deposit the amount of Rs.3,25,000/- before this Court. Accordingly, the appellant has deposited this amount of Rs.3,25,000/- and the money was kept in a Fixed Deposit Receipt in a Nationalized Bank, which is

renewed from time to time. It may be noted that the appellant has already undergone sentence of one year and deposited the amount of Rs.3,25,000/-. Further, today during the course of hearing, he has agreed to pay a further sum of Rs.1,75,000/- to the complainants. Taking the above into consideration, we are of the opinion that it will meet the ends of justice if the sentence is modified to the period already undergone.

Hence, we modify the sentence to the imprisonment already undergone by the appellant.

In furtherance of the above, the appellant is directed to deposit the sum of Rs. 1,75,000/- with the concerned trial court within a period of four weeks. The Registry is also directed to transmit the amount of Rs. 3,25,000/-, deposited by the appellant with the Registry in terms of Order dated 26.04.2010, along with interest accrued thereon, to the concerned trial court forthwith.

The aforesaid amount of Rs.3,25,000/- along with interest accrued thereon and the further sum of Rs.1,75,000/-, as agreed by the appellant, shall be paid equally to both the complainants, namely, Sudesh Kumar and Nirmal Singh, by the trial court within a period of six weeks from today.

The appeal stands disposed of in the afore-stated terms.

.....J. (N.V. RAMANA)J. (SANJIV KHANNA)J. (KRISHNA MURARI)
NEW DELHI;

JANUARY 16, 2020

ITEM NO.105

COURT NO.2

SECTION II-B

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

Criminal Appeal No(s). 269/2011

GURPAL SINGH

Appellant(s)

VERSUS

THE STATE OF PUNJAB

Respondent(s)

IA No. 10039/2010 - SUSPENSION OF SENTENCE) Date : 16-01-2020 These matters were called on for hearing today. CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE KRISHNA MURARI For Appellant(s) Mr. Yadav Narendra
Singh, AOR Mr. Ashutosh Yadav, Adv.

Mr. Jagdish Parshad, Adv.

For Respondent(s) Ms. Jaspreet Gogia, AOR Ms. Mandakini Singh, Adv.

Ms. Ashima Mandla, Adv.

UPON hearing the counsel the Court made the following O R D E R The appeal is disposed of in terms of the signed order. Pending applications, if any, are disposed of.

(NEELAM GULATI) (RAJ RANI NEGI) COURT MASTER (SH) ASSISTANT REGISTRAR (Signed Order is placed on the file)