

**DAVINDER SINGH,
JUDICIAL MAGISTRATE 1st CLASS, AMRITSAR
(UID NO. PB0569)**

of three sons and a daughter. His eldest son is married and is residing in England. His second son is doing the work of agriculture with the complainant. His 3rd son Harpreet Singh is unemployed. The complainant wishes to send Gurpreet Singh to England. Mohit son of Subhash Chander, resident of New Pathania, Amritsar is his near relative. He communicated the complainant that he know some of the person who send people abroad. The complainant showed his willingness to send his son abroad. In the first week of July, 2005 Angaddeep Singh, Gopi and Jarnail Singh alongwith Mohit came to the house of the complainant. In the presence of the family of complainant they stated that they do the work of sending people abroad. They also stated that one of their companion Tejinder Singh is having links in embassy offices at Delhi and he quickly does the work. They stated that they will send Harpreet Singh to England soon, when the complainant asked about the money for sending Harpreet Singh abroad, they stated that from common people they take Rs. 6 to 7 lacs, but, Mohit is their friend and they will take Rs. 5 lacs to send Harpreet Singh to England. On 25.7.2005 Angadeep, Gopi, Jarnail Singh and Tejinder Singh came to the house of the complainant. The entire family of the complainant, Mohit, Palwinder Singh and Avtar Singh were present there. In their presence, the complainant gave Rs. 2,50,000/-, passport of Harpreet Singh and 12 photographs of Harpreet Singh to accused. They reposed the confidence that they will send Harpreet Singh to England. Thereafter they went away. In the second week of August, 2005 Angaddeep, Gopi, Jarnail Singh and Tejinder Singh again came to the house of the complainant. The entire family of

complainant, Mohit, Palwinder Singh and Avtar Singh were present there. They demanded remaining amount of Rs. 2,50,000/-. The complainant handed over the remaining amount of Rs. 2,50,000/- to them. They assured the complainant that they will send Gurpreet abroad. After one month, the complainant met the accused persons. They called the complainant and his son to Delhi. Complainant, Harpreet Singh and Palwinder Singh went to Delhi and stated that there is some obstacle in sending Harpreet Singh abroad. They further stated that after some days they will send Harpreet Singh abroad. Complainant alongwith other persons came back to his home. The Complainant approached the accused persons time and again to send Harpreet Singh abroad, but, they were kept on postponing it. When the complainant with the help of respectable of the society approached the accused persons, Jarnail Singh came to the house of complainant in the month of December, 2005 and returned Rs. 1 lacs and the passport of Harpreet Singh. He assured that the remaining amount will be returned to them. The complainant many a times approached the accused persons for return of Rs. 4 lacs, but, they were lingering on the matter on one pretext or the other. On 26.3.2006 complainant alongwith Mohit, Palwinder Singh and Avtar Singh went to the house of Gopi. Angaddeep Singh and Tejinder Singh were also present there. The complainant asked them to return the remaining amount of Rs. 4 lacs. They flatly refused to return the same. They threatened the complainant and other persons that if they will again come to the accused persons they will be implicated in false cases. Lastly, it is stated by the complainant that the accused have cheated the complainant

and received Rs. 4 lacs and they are also threatening the complainant.

The enquiry of the application was conducted by SP (D) Makhan Singh and he has concluded his enquiry to the effect that Jarnail Singh, Gurpreet Singh @ Gopi, Tejinder Singh @ Singh Sahib and Angaddeep have received Rs. 5 lacs from complainant on the pretext of sending the complainant abroad. Rs. 1 lac was returned by Jarnail Singh. Rs. 4 lacs have not been returned by them. Harpreet Singh has not been sent abroad. They have committed fraud with complainant. Jarnail Singh and Gurpreet Singh @ Gopi have not joined the enquiry. They are the habitual criminals and the FIRs are registered against them in P.S. Chheharta, P.S. Rajasansi and P.S. Sadar, Tarn Taran. Thereafter, the opinion of DA legal was obtained and he recommended a prima facie case against the accused u/s 420 of IPC. An FIR was ordered to be registered against the accused. The initial investigation was conducted by ASI Tarsem Singh. He arrested accused Gurpreet Singh @ Gopi on 17.8.2006. Jarnail Singh was released on anticipatory bail in view of the orders of Hon'ble Punjab and Haryana High Court, Chandigarh dated 01.8.2017. Jarnail Singh joined the investigation on 04.9.2007 and he was arrested in this case. His bail was confirmed by the Hon'ble Punjab and Haryana High Court, Chandigarh vide order dated 16.10.2017. The address of Tejinder Singh @ Singh Sahib of Panipat is untraced. He has not been challaned in this case. Angaddeep Singh separately tried by the Juvenile Court. During the investigation statements of the witnesses were recorded u/s 161 of Cr.P.C. SHO P.S. Chheharta prepared the challan and presented the same in court for judicial verdict.

COMPLIANCE OF SECTION 207 Cr.P.C

3. After presentation of challan, copies of challan and other documents attached therewith were supplied to the accused free of costs in compliance to Section 207 Cr.P.C.

CHARGE SHEET

4. Finding a prima facie case having been made out against the accused for the offence punishable under section 420 of IPC, necessary charge dated 06.11.2018 was framed against the accused to which they pleaded guilty and has not claimed trial.

APPRECIATION AND ADJUDICATION

5. The rival contentions of the parties so raised on either side are heard in the light of police report and charge.

6. The instant case has been registered at the instance of complainant Nishan Singh. It is the version of complainant Nishan Singh that the accused have cheated him on the pretext of sending his son abroad. They received Rs. 5 lacs from the complainant. They have returned Rs. 1 lac and the remaining amount of Rs. 4 lacs has not been returned by the accused to complainant. They have committed fraud with the complainant and his son. The accused induced the complainant to pay them Rs. 5 lacs for sending Harpreet Singh to England. The accused has confessed his guilt of committing fraud with the accused. He has not opted for trial of the case. The admission of the accused itself proves the commission of an offence of cheating with the complainant of Rs. 4 lacs on the pretext of sending Harpreet Singh to England.

7. There is no requirement of further discussion in his case.

The confession of accused is itself a piece of evidence against the accused. There is no required to take evidence on the charge framed against accused.

FINAL ORDER

8. To sum up, this court has no hesitation to conclude here from the above said discussion that the offence of cheating is proved against the accused on the basis of admission of the accused. The accused is hereby held guilty for the commission of offence punishable u/s 420 of IPC. The accused is already in custody. Let he be heard on question sentence.

Announced in open Court

Dated 06.11.2018

Naresh Stenographer-II

Davinder Singh

Judicial Magistrate Ist Class, ASR

(UID NO. PB0569)

IN THE COURT OF DAVINDER SINGH, P.C.S.,
JUDICIAL MAGISTRATE Ist CLASS, AMRITSAR
(UID NO. PB0569)

Case Details		
Case Type:	CHA	
Filing No.:	8017/2016	Filing Date: 27.09.2016
Registration No.:	1195/2016	Date of Registration: 27.09.2016
CNR No.	PBAS03-007630-2016	
Date of Decision:	06.11.2018	

Applicant : STATE OF PUNJAB

Accused : Gurpreet Singh @ Gopi son of
Nirmal Singh, resident of Banga,
P.S. Jandiala.

FIR No. 80 Dated 28.06.2006
Under Section:- 420 IPC
Police Station: P.S. Chheharta, Amritsar.

Present Sh. Arun Kumar, APP for the State.
Accused Gurpreet Singh in custody with counsel Sh.
Gursewak Singh Brar Advocate.

QUESTION OF SENTENCE:-

On question of sentence, Ld. APP for the State has stated that accused has committed the act of cheating upon the complainant. He shall deserve no leniency. The maximum punishment may be granted to him. Ld. Counsel for the accused prayed that the accused is first time offender. A benevolent view may kindly be taken against the accused. Heard, record perused. The act of cheating against the complainant is the heinous offence. This Court deems it appropriate to sentence the convicts as follows:-

Accused Gurpreet Singh is Convicted under Section	Sentence
420 of IPC.	To undergo rigorous imprisonment for two years and to pay fine of Rs. 10,000/- in default of payment of fine the convict has to further undergo simple imprisonment for Three Months.

It is ordered that the period of detention, if any, already undergone by the convicts during investigation or trial, is ordered to be set off against the substantive sentence awarded to him by the Court as per provisions of Section 428 Cr.PC.

Case property, if any, be dealt with as per rules. File be consigned to the record room after due compliance.

Announced in open Court**Dated 06.11.2018**

Naresh Stenographer-II

Davinder Singh**Judicial Magistrate Ist Class, ASR****(UID NO. PB0569)**