



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.317/2019

KIRANVEER SINGH ALIAS JIMMY

Appellant(s)

VERSUS

THE STATE OF PUNJAB

Respondent(s)

O R D E R

The appellant was charged in FIR No.338/2009 for the offence punishable under Sections 406, 420 read with Section 34 of the Indian Penal Code, 1860. The case against the appellant is that he received money promising the informant that his son would be sent abroad by facilitating Visa, despite knowing the fact that the said promise could never be given effect to.

Before the trial Court, witnesses have been examined and the appellant pleaded innocence during the questioning under Section 313 of the Code of Criminal Procedure, 1973.

The conviction rendered by the trial Court was confirmed by the First Appellate Court. In the revision filed, the High Court was pleased to

confirm the conviction by going into the evidence rendered by the prosecution witnesses. The contention that the prosecution witnesses are interested witnesses was duly considered and rejected. The fact that the cheques issued were dishonoured was also taken note of, though it is submitted by learned counsel for the appellant that it was the co-accused who issued the cheques. However, there are materials available to implicate the appellant as well, particularly, in the light of the charge under Section 34 of the IPC.

Learned counsel appearing for the appellant submitted that the offence under Section 406, IPC is not made out. There was no intention to cheat the informant at the time of promise. At best, it may be an inability to comply with the promise made.

We are not inclined to allow the appeal as the High Court in exercise of the revision rightly found that there was no infirmity in the judgment rendered by the First Appellate Court. The witnesses spoke in tune with the version of the prosecution. In such view of the matter, the conviction stands confirmed.

However, the appellant has already undergone sentence of more than one year and six months.

Taking into consideration the aforesaid fact that the appellant has already undergone one year and six months of incarceration, while confirming

the conviction, the sentence imposed stands modified to the one already undergone.

The appeal is allowed in part.

.....J.
[M.M. SUNDRESH]

.....J.
[S.V.N. BHATTI]

NEW DELHI;
APRIL 18, 2024.

ITEM NO.109

COURT NO.14

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 317/2019

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THE STATE OF PUNJAB

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Date : 18-04-2024 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Appellant(s) Mr. Avinash Tripathi, Adv.
Mr. Harneet Oberoi, Adv.
Mr. Oleander D Singh, Adv.
Mr. Nilendra Pratap Singh, Adv.
Mr. Ashutosh Jha, AOR

For Respondent(s) Mr. Karan Sharma, AOR
Mr. Rishabh Sharma, Adv.
Ms. Urvi Kashiwal, Adv.
Mr. Princy Sharma, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in part in terms of the
signed order.

Pending application, if any, stands disposed of.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS(POONAM VAID)
COURT MASTER (NSH)

[Signed order is placed on the file]