

**(1999) 09 P&H CK 0120**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** Criminal Revision No. 896 of 1999

Rajiv Samson

APPELLANT

Vs

State of U.T., Chandigarh

RESPONDENT

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**Date of Decision:** Sept. 18, 1999

**Citation:** (2000) 1 RCR(Criminal) 49

**Hon'ble Judges:** Bakhshish Kaur, J

**Advocate:** G.S. Nagra, R.S. Rai, Gautam Dutt, Advocates for appearing Parties

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**Judgement**

Bakhshish Kaur, J.

1. Rajiv Samsonpetitioner was convicted and sentenced to undergo RI for three years and to pay a fine of Rs. 500/, in default to further undergo RI for one month under Section 363 I.P.C. He was also convicted and sentenced to undergo RI for three years and to pay fine of Rs. 250/ and in default to further undergo one month under Section 387 I.P.C. by the learned Magistrate on November 12, 1997. The appeal preferred by the petitioner was dismissed by the learned Sessions Judge, Chandigarh on February 3, 1999.

2. On August 8, 1991 at about 6.00 P.M. Major Shingara Singh had gone to meet Lt. Col. Batan Singh in Sector 35B and parked his car No. CHM 3194 outside his house and himself went inside. At about 6.45 A.M., when he came back, he found his car missing. On his report, the case was registered. Wireless message was flashed from the Control Room to all the police stations and mobile vehicles about the abduction of child Amit alongwith Car bearing registration No. CHM 3194 by two young men. The kidnappers left a ransom note on the wall of the gate mentioning that they should reach Shimla Road at 8.30 P.M. in their own car alongwith Rs. 1,50,000/ as ransom. The police who came into action noticed the said car coming from the side of grain market. On seeing the police party, both the occupants of the car tried to run away leaving the child in the car but they were overpowered.

3. A prima facie case under Sections 363/387/120B I.P.C. was made out against the petitioner. He pleaded not guilty to the charge. The learned Magistrate on the appraisal of prosecution evidence and plea taken up by the accused found him guilty which resulted into his conviction as above. His conviction and sentence was maintained by the Appellate Court.

4. I have heard Mr. G.S. Nagra learned counsel for the petitioner and Mr. R.S. Rai, learned Standing Counsel for U.T., Chandigarh.

5. At the very outset Mr. Nagra contended that he has nothing to say regarding conviction recorded by the trial Court. Thus, he confined his argument to the question of sentence only particularly in view of the Criminal Revision No. 263 of 1999 filed by the coaccused whereby his sentence has been reduced.

6. I have considered the submission made by the learned counsel for the petitioner. His case is not distinguishable from the case of coaccused namely Samir Singh Sethi decided in Revision No. 263 of 1999. The case relates to the year 1991 and he has already undergone the ignominy of his protracted trial. Keeping all these facts in mind conviction recorded by the trial Court and affirmed by the learned Addl. Sessions Judge is sustained but the sentence is hereby reduced from 3 years to one year. With this modification, in the sentence, the revision petition stands disposed of.