

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No.A-105-MA of 2015

Date of Decision : March 17, 2015

The Silver Kite Co-operative House Building Society Limited

.....Applicant

VERSUS

Vipin Chand Mittal and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE MAHAVIR S.CHAUHAN

Present : Mr. S.S. Dalal, Advocate
for the applicant.

T.P.S. MANN, J.

The complainant, namely, the Silver Kite Co-operative House Building Society Limited, Jagadhri (hereinafter referred to as 'the complainant-Society') has filed the present application under Section 378(4) Cr.P.C. for grant of leave to appeal against the judgment dated 20.10.2011 passed by the Judicial Magistrate 1st Class, Yamuna Nagar, whereby respondent Vipin Chand Mittal was acquitted of the charges under Sections 409, 381 and 427 IPC.

The case of the complainant-Society is that the Society had employed respondent Vipin Chand Mittal as its Secretary. He continued to discharge his duties as such upto 24.5.2002 when he was removed from service. During his service record, he received various sums of money and issued receipts to the persons paying the said amounts. However, the accused did not deposit the said amount in the account of the complainant-Society nor made any entries in the relevant records. He had also taken away its valuable and important receipts.

Having heard learned counsel for the applicant, we find that the complainant failed to bring sufficient evidence on the record to establish the guilt of the accused. CW1 Baldev Singh, who stood posted as Secretary of the complainant-Society at the time of institution of the criminal complaint in his cross-examination deposed that he did not know as to who had written those receipts. He also stated that those receipts were not written in his presence. The receipts produced on record are not the originals but their photocopies. The complainant-Society also made no attempt to examine any expert to get the hand-writing on the receipts compared with the standard handwriting of the accused. Even the persons, who had deposited various amounts, were not produced by the complainant-society before the trial Court in support of its case.

In view of the above, no fault can be found with the order of acquittal passed by the Judicial Magistrate 1st Class, Yamuna Nagar.

The application filed by the complainant-Society is without any merit and, therefore, dismissed. Leave to appeal is declined.

(T.P.S. MANN)
JUDGE

(MAHAVIR S. CHAUHAN)
JUDGE

March 17, 2015
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