

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.A-1227-MA of 2014 (O&M)
Date of decision: September 14, 2015

Daljit Kaur

...Applicant

Versus

Pal Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Aayush Gupta, Advocate
 for the applicant.

INDERJIT SINGH, J.

Applicant-Daljit Kaur has filed this application under Section 378(4) Cr.P.C. seeking permission for leave to appeal against respondents Pal Singh and State of Punjab, challenging the judgment dated 24.02.2014 passed by learned Judicial Magistrate Ist Class, Ludhiana, whereby the accused-respondent was acquitted.

It is stated in the application that there is sufficient evidence on file to prove the case against respondent No.1-accused for which he has been acquitted.

As per the record, accused-respondent No.1 was sent up to face trial in Calandra dated 01.07.2006 by SHO. The prosecution story is that on 05.01.2004, SI Ramji Dass in-charge of Chowki was present along with the police party. In brief the prosecution version is that on 05.01.2004 Pal Singh got recorded his statement on the basis

of which FIR No.3 dated 05.01.2004 was recorded. He stated that when he along with Gurdeep Singh went to pick up his car then at about 1.30 P.M., Surjit Kumar @ Gurjit Kumar accompanied by some unidentified persons came and started beating him. The reason behind the whole act was that Surjit Kumar was pursuing a criminal case filed against Gurdeep Singh in which Gurdeep Singh was the accused and Surjit Kumar was the witness. When people gathered there, then they fled away. A cancellation report was filed, which was accepted on 24.12.2005 by the then ACJM, Ludhiana. Later on, wife of Gurdeep Singh moved an application to SSP, Ludhiana for registering a case under Section 182 IPC against Pal Singh for giving false information to the police, upon which, DDR was registered and Calandra was presented against Pal Singh.

After appreciating the evidence, learned JMJC, Ludhiana acquitted the accused vide impugned judgment dated 24.02.2014. Learned JMJC, Ludhiana, after discussing the provisions of Section 195(1) Cr.P.C. and 182 IPC held that no Court shall take cognizance of such a complaint unless it is to be filed in written by public servant concerned. In the present case, the Calandra has been presented on the basis of DRR No.13 dated 01.07.2006, which was got recorded by Daljit Kaur wife of Gurdeep Singh. Daljit Kaur was not an accused in FIR No.3 dated 05.01.2004. Otherwise also, FIR was registered on 05.01.2004 and at that time, the complainant of this case namely Daljit Kaur was knowing that it was a false complaint, therefore, as per Section 469 Cr.P.C. also, the Calandra is to be filed within one year

but the present Calandra has been filed on 25.07.2006 i.e. beyond limitation. On this ground also, Calandra being time barred, the accused was entitled to acquittal.

In view of the above, I find that findings given by the Court below are correct, as per evidence and law. In no way, it can be held that the judgment dated 24.02.2014 passed by learned JMIC, Ludhiana is not correct and not as per law.

Keeping in view above facts and circumstances, I find that no ground is made out to grant permission for leave to appeal and therefore, the present application stands dismissed.

September 14, 2015
Vgulati

(INDERJIT SINGH)
JUDGE