

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM A-1464-MA of 2015

Date of Decision : November 19, 2015

State of U.T., Chandigarh

.....Applicant

VERSUS

Baldev Singh

.....Respondent

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE GURMIT RAM**

Present : Mr. A.K.Lamdharia, Addl. Public Prosecutor,
Chandigarh.

T.P.S. MANN, J.

The Union Territory of Chandigarh has filed the present application under Section 378 (3) Cr.P.C. for grant of leave to appeal against the judgment dated 20.5.2015 passed by the learned Additional Sessions Judge, Chandigarh whereby respondent-Baldev Singh stands acquitted of the charge under Section 413 IPC.

The case of the prosecution in nutshell is that on 13.9.2014, complainant-Ram Niwas submitted a written complaint to the police regarding theft of his vehicle, a car, make Maruti 800 bearing registration No. CH-01-AU-4291 of white colour which he had parked in the open space near his house. According to him, his vehicle was stolen by some one on the night of 12.9.2014 at about 10.40 p.m. On the basis of the written complaint, FIR No.

381 dated 13.9.2014 under Section 379 IPC was registered at Police Station Sector-39, Chandigarh. During the investigation of the case, Baldev Singh was arrested and the stolen vehicle recovered. Offences under Sections 411 and 413 IPC were added to the FIR. Upon completion of investigation and presentation of challan, the accused was charged for committing the offence under Section 413 IPC to which he pleaded not guilty and claimed trial.

Having heard learned Additional Public Prosecutor for U.T., Chandigarh and on going through the impugned judgment of acquittal, this Court finds that regarding the recovery of the stolen vehicle, three different versions had come on the record. The first version was that after committing the theft of car of complainant-Ram Niwas in the night of 12.9.2014, the accused caused the accident with the scooter of PW5 Harbans Sethi, which he had parked in the parking area near Gate No. 1, village Badheri and on hearing the noise of accident, PW5 Harbans Sethi came there but the accused showed him a big knife and ran away. The second version as it emanates from the disclosure statement made by the accused under Section 27 of the Evidence Act was that after the accident with the scooter, the accused struck the car against an electric pole and as the car could not be started, he left it at that place and ran away. The third version is regarding

the recovery of the car from near Durga Taxi Stand on 13.9.2014 and DDR Ex. P-7 recorded in that regard. In view of the different versions regarding the recovery of the stolen vehicle, the trial Court rightly came to the conclusion that the prosecution failed to prove the guilt of the accused and, accordingly, acquitted him of the charge against him. In view of the same, no case is made out for any interference in the impugned judgment of acquittal.

The application is without any merit and, accordingly, dismissed.

Leave to appeal is declined.

(T.P.S. MANN)
JUDGE

November 19, 2015
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(GURMIT RAM)
JUDGE