

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.A-1879-MA of 2015

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Date of decision:21.12.2015

Vikram Singh

...Applicant

v.

Sadhu Singh and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Sandeep Goyat, Advocate for the applicant.

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Inderjit Singh, J.

The complainant/applicant has filed this criminal miscellaneous application under Section 378(4) Cr.P.C. against Sadhu Singh, Lalit and Padam Singh-respondents seeking grant of leave to file appeal against the impugned judgment of acquittal dated 16.9.2015 passed by learned Judicial Magistrate Ist Class, Bhiwani.

It is mainly stated in the application that the accompanying appeal is being filed against the judgment dated 16.9.2015 passed by learned Judicial Magistrate Ist Class, Bhiwani, which is likely to succeed on the grounds mentioned therein. The judgment of acquittal passed by the learned trial Court is against the law and facts proved on the file and thus caused a grave miscarriage of justice. The learned trial Court has acted upon conjectures and surmises while dismissing the the complaint and has

not appreciated the evidence properly. Therefore, it has been prayed that the leave to file appeal be granted.

I have heard learned counsel for the applicant and have gone through the record.

From the record, I find that Vikram Singh-complainant filed complaint against Sadhu Singh, Lalit and Padam Singh for the offences under Sections 420, 467, 468, 471, 506 and 120-B IPC at Police Station Civil Lines, Bhiwani. As per the case of the complainant, Smt. Kanta Devi wife of Shri Anji Singh was owner in possession of land as described in the complaint. The allegations are that accused persons are very clever persons and they taking the benefit of the weak mental state of her mother got a release deed No.11196 dated 6.3.2006 registered in their favour by way of fraud and misrepresentation by contending that on the above mentioned land they have to get compensation from the Government. The accused persons in collusion with each other did this act by entering into a conspiracy with each other. The release deed was got registered in the names of Sadhu Singh and Padam Singh on which Lalit signed as a witness.

The learned Judicial Magistrate Ist Class, Bhiwani, after considering the evidence produced on the record by giving the benefit of doubt acquitted the accused/respondents. The trial Court after appreciating evidence held that there is no denial of fact by the complainant as well as the accused that release deed No.11196 dated 6.3.2006 was got registered by Smt. Kanta Devi in favour of the accused. It is the allegation of fraud and misrepresentation that has been pleaded by the complainant. Kanta Devi

did not step into the witness box to prove these allegations. The document is a registered one and it is argued that the signatures of Kanta Devi on blank papers had been obtained by taking the benefit of her illiteracy. The doctor had also been produced to show that she was suffering from some disease and was taking treatment, but the doctor has nowhere stated that she is not mentally fit and was not able to depose in the witness box. Even if it is submitted that she was suffering from the disease of depression and Schizophrenia, but there is no evidence on the record to show that she was suffering continuously from this disease. Rather, in cross-examination, Dr. Lalit Kumar admitted that the patient like Kanta Devi does not suffer from the disease of depression and Schizophrenia continuously and they may recover from such type of disease for some time. Otherwise also, this transfer deed is a registered document which was executed in the year 2006 and the complaint has been filed in the year 2011 i.e. after more than five years 8 months.

The learned Judicial Magistrate Ist Class, Bhiwani vide judgment dated 16.9.2015 correctly given the benefit of doubt to the accused/respondents. The findings given by the learned Judicial Magistrate Ist Class are correct, as per evidence and law. The evidence has been considered in the right perspective. Nothing has been pointed out as to how the reasoning given by the learned Judicial Magistrate Ist Class in the judgment are perverse or against the evidence. Nothing has been pointed out as to which material evidence has not been considered by the Court below and which material evidence has been misread by the Court.

Therefore, the judgment passed by the learned Judicial Magistrate Ist Class, Bhiwani does not require any interference from this Court.

Therefore, from the above, I do not find any ground to grant leave to file appeal. Hence, finding no merit in the criminal miscellaneous application filed under Section 378 (4) Cr.P.C. seeking leave to file appeal, the same is dismissed.

December 21, 2015.

(Inderjit Singh)
Judge

hsp