

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No.A-1864-MA of 2014

Date of Decision : September 30, 2015

Ramesh Chand

.....Applicant

Versus

Raja Ram

....Respondent

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

Present : Mr. Gorav Kathuria, Advocate.

T.P.S. MANN, J.

The complainant has filed the present application under Section 378(4) of the Code of Criminal Procedure seeking special leave to appeal against the judgment dated 21.2.2014 passed by learned Chief Judicial Magistrate, Faridabad whereby respondent-Raja Ram, here-in-after referred to as 'the accused', was acquitted of the charges under Sections 420, 468, 471 and 474 IPC.

The case set up by the complainant was that the accused, who was related to him, wanted to grab his property by foul means and, accordingly, forged and fabricated agreement dated 16.2.1988 for a petty consideration of Rs.2.50 lacs. On the basis of the said agreement, the accused filed a civil suit, which was dismissed on 20.3.1998. Even the first appeal preferred by the accused was also dismissed.

Having heard learned counsel for the applicant and on going through the impugned judgment of acquittal, this Court finds that the existence of the agreement has not been disputed by the parties. The

complainant asserts that the agreement was forged and fabricated by the accused. It is true that on the basis of the agreement to sell in question, the accused filed civil suit, but remained unsuccessful as he failed to prove due execution of the agreement because one of the witnesses to the agreement was not examined, while the testimony of the other did not inspire confidence. Further, the agreement in question was said to have been executed of 16.2.1988 and the accused had issued legal notice dated 17.5.1989 to the complainant and, thus, the complainant came to know about the existence of the agreement on 24.5.1989. On 7.7.1989, the complainant replied to the legal notice. Despite the fact that the complainant had come to know about the agreement in the month of May, 1989, he waited for a period of twelve years before filing the criminal complaint. The conduct of the complainant in remaining silent about forging and fabrication of the agreement for a period of twelve years precluded him from availing the criminal remedy, more so, when no explanation was offered by the complainant in that regard.

In view of what has been stated above, no case is made out for any interference in the impugned judgment of acquittal.

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

Special leave to appeal is declined.

(T.P.S. MANN)
JUDGE

(GURMIT RAM)
JUDGE

September 30, 2015
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