

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

CRM-A-308-MA-2014 (O&M)
Date of decision : 07.09.2015

Rajinder Kumar

...Petitioner

Versus

Lachman

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sachin Sharma, Advocate for the appellant.

JITENDRA CHAUHAN, J. (Oral)

CRM No.6665 of 2014

Heard.

Against the impugned order dated 14.05.2012, the complainant-appellant had earlier preferred an appeal No.30/CR of the 2012, before the Sessions Judge, Panchkula, which was dismissed as withdrawn with liberty to pursue his legal remedy available under the law. Hence, this application under Section 378 (4) Cr.P.C. along with this application for condonation of delay.

For the reasons contained in the application, the same is allowed and the delay of 587 days in filing the appeal is condoned.

CRM-A-308-MA-2014

This appeal is directed against the impugned judgment dated

14.05.2012 passed by the learned Judicial Magistrate Ist Class, Panchkula whereby the complaint No.1191/1 DOI 19.01.2006/27.09.2007 was dismissed.

Brief facts of the case in hand, as recorded in the opening para of the impugned judgment, are reproduced as under:-

“2. Briefly stated, the facts of the case as stated in the complaint are that the complainant is resident of Village Kammi, Tehsil and District Panchkula, which is adjoining to the revenue estate of Village Bir Babupur, District Panchkula. The complainant is the member of agriculturist family. The land detailed in the head note of the complaint and other land situated within the revenue estate of village Bir Baupur, District Panchkula was the estate big landlord Sh. Bhagawant Singh, Sh. Bhagawant Singh was having property in different villages, which were decalred surplus land of big land owner under the law. Thereafter, several disputes were pending in this case. Surat Ram son of Amra Ram was the tenant of big landlord Sh. Bahgwant Singh on the statutory date. Surat Ram was the brother of the real father of complainant. Said Surat Ram died in 1987 and his property including the land mentioned in the head note of the plaint was to be inherited by the complainant and other successors. But the accused by making a criminal conspiracy with the revenue official illegally and wrongly got his name recorded in the cultivation column of that land vide rapat No.254 dated 27.01.1994. No notice was given to Surat Ram before making the above said change in the revenue record. The Halqua Patwari had not right to change the correct entries in the name of accused

without giving any notice to that Surat Ram: That Surat Ram had also executed a legal and valid Will dated 26.03.1983 in favour complainant and other persons and a mutation NO.796 dated 20.07.1989 has already been sanctioned on the basis thereof. The rapat roznamcha No.254 dated 27.01.1994 was forged and fabricated by the accused in collusion with the Halqua Patwari just to cheat the complainant and to cause wrongful loss to the complainant. Thus by doing so the accused has committed an offence punishable under Section 420, 467, 468, 471 and 120-B of IPC. Hence this complaint.

3. *Thereafter, the complainant was allowed to lead his presummoning evidence. In his presummoning evidence the complainant has appeared as CW1 and also tendered the documents Ex.C1 to Ex.C8.”*

After appraisal of the documents and evidence, the learned Judicial Magistrate Ist Class, Panchkula dismissed the complaint of the complainant/appellant.

Feeling aggrieved against the same, the appellant has filed the present leave to appeal against the judgment dated 14.05.2012.

The learned counsel for the appellant contends that while passing the impugned judgment, the learned Judicial Magistrate Ist Class, Panchkula had not considered the documents Ex.C1 to Ex.C8 on record. The respondent in connivance with the revenue authorities committed forgery of the revenue record and wrongly got the column of cultivation recorded in his name by changing the crop entries vide Rapat Rojnamcha No.254 dated 27.01.1994.

Heard.

It is apparent from the record of this case, that Rapat Rojnamcha No.254 dated 27.01.1994 was not placed on record and in the absence of that document it cannot be said that the entries in the column of cultivation regarding the land mentioned in the head note of the complaint, were forged or fabricated by the respondent. There is no forgery in all the documents Ex.C1 to Ex.C8.

Keeping in view the above, this Court feels that the learned Judicial Magistrate Ist Class, Panchkula has passed the impugned judgment dated 14.05.2012 after appreciating the entire facts and circumstances of the present case.

Accordingly, the leave to appeal stands declined.

Dismissed.

07.09.2015

ashok

(JITENDRA CHAUHAN)
JUDGE