

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

**CRM-A-323-MA of 2014 (O&M)
DATE OF DECISION : January 20, 2015**

Aman

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE M.JEYAPPAUL

HON'BLE MR. JUSTICE DARSHAN SINGH

Present:- Mr. Vijay Kumar Sheoran, Advocate for the appellant.

Ms. Tanisha Peshawaria, DAG, Haryana.

Mr. Ramender Chauhan, Advocate
for respondents no. 3 and 4.

Ms. Surinder Gaur, Advocate for respondent no.5.

M.JEYAPPAUL, J.

CRM No. 6878 of 2014

A wrong forum was originally chosen by the complainant and, therefore, the delay occasioned. However, the delay has been properly explained. Therefore, the application is allowed and the delay of 276 days in filing the appeal stands condoned.

CRM-A-323-MA of 2014

1. It is the case of the complainant who was examined as PW3 before the trial Court that the accused in collusion with each

other, got prepared forged documents in order to grab the property of the complainant and thereby cheated him.

2. Respondents no. 2 to 5 faced trial for the offences under Section 406, 420, 467, 468, 471 and 120-B of the Indian Penal code. The trial Court having found that the complainant failed to bring home the guilt to the accused beyond reasonable doubt, acquitted all of them. Hence, the complainant has come forward with the present appeal challenging the above acquittal recorded by the trial Court.

3. The gravamen of the charge that the accused in collusion with each other, fabricated documents to grab the property of the complainant was not established, it was observed by the trial Court.

4. Learned counsel appearing for the appellant would submit that there is evidence to establish the charges framed against the accused respondents 2 to 5. The mutation entry would go to show that the mother of the complainant was an exclusive owner of the property in dispute. He would also submit that the civil case so instituted had ended in favour of the complainant.

5. The complainant would contend that the property stood in the name of his father and mother. Both of them were not examined before the trial Court. The sale deeds standing in the name of his parents also were not produced to establish their ownership over the property under dispute. The complainant who was examined as PW3 has categorically admitted that he was not in a position to give out

the details of the share of the land which was purchased by his mother. He was also not aware whether the person from whom the mother of the complainant purchased a share was actually in possession of a specific portion in the property.

6. Mutation entry is not a document of title. Based on mutation entry, without any evidence to show that the accused in fact fabricated the documents to knock away the property rights of the complainant, the Court cannot jump to a conclusion that there was fabrication of records and cheating.

7. The civil litigation between the parties decided by the competent civil Court in favour of one of the parties would not conclusively establish fabrication of records and cheating.

8. In our view, the trial Court has rightly come to the conclusion that the complainant failed to establish by leading cogent and convincing evidence that there had been fraudulent and dishonest execution of deed of transfer, forgery of documents and cheating by respondents no. 2 to 5. We do not find any merit in the appeal. Therefore, the appeal stands dismissed.

**(M. JEYAPPAUL)
JUDGE**

**(DARSHAN SINGH)
JUDGE**

January 20, 2015

p.singh