

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc. A-865-MA of 2014
Date of Decision : March 19, 2015

Sagir Hussain

....Applicant

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. Liaqat Ali, Advocate
for the applicant.

T.P.S. MANN, J.

The complainant has filed the present application under Section 378 (4) Cr.P.C for grant of special leave to appeal against the judgment dated 13.1.2014 passed by the Additional Sessions Judge, Sangrur, whereby the appeal filed by respondent-Babita against the judgment and order dated 27.4.2012 passed by the Sub Divisional Judicial Magistrate, Malerkotla, was accepted, the judgment of conviction and order of sentence passed by the trial Court set aside and she was acquitted of the charges framed against her.

Respondent-Babita was tried for committing offences

punishable under Sections 467/468/471 and 506 IPC on a private complaint instituted by the applicant on the allegations that she had two passports in which her name was differently mentioned and so also her date of birth and address. The trial Court acquitted respondent-Babita of the charge under Section 467 IPC. However, she was convicted and sentenced for committing offences under Sections 468/471 and 506 IPC. Aggrieved of her conviction and sentence, respondent-Babita filed an appeal which has been accepted and her conviction and sentence set aside, as mentioned above. In order to challenge the acquittal of respondent-Babita by the lower appellate Court, the complainant has filed the present application seeking grant of special leave to appeal.

Having heard learned counsel for the applicant and after perusing the impugned judgment of acquittal, this Court finds that the original documents pertaining to the applications submitted by respondent-Babita for issuance of passports were not produced on the file at the trial of the case. Only their photo copies were produced. So much so, CW1 Prashant Kumar, Clerk from the office of Regional Passport Office, Chandigarh admitted during his cross-examination that the documents produced on the file were not original documents. He further stated that the first passport No.A-630496 dated 10.7.1991 stood closed. When the original documents for obtaining passports have not been proved on the file by the applicant, it cannot be said that respondent-Babita had committed any forgery by giving false information regarding her date of birth, wrong spellings of her name as

well as her address for obtaining the second passport. Moreover, she was acquitted of the charge under Section 467 IPC by the trial Court which acquittal was not challenged by the applicant by filing any appeal. Even if it is held that respondent-Babita had furnished wrong information for procuring the passports, she could not have been prosecuted without prior sanction of the Central Government in terms of Section 15 of the Passport Act, 1967. There is nothing on the record to suggest that the sanction for prosecution of respondent-Babita had been obtained or the authorities had proceeded against her under the Act.

In view of the above, no fault can be found with the impugned judgment passed by the lower appellate Court whereby respondent-Babita has been acquitted of the charges against her.

The application is without any merit and resultantly, dismissed. Special leave to appeal is declined.

(T.P.S. MANN)
JUDGE

(MAHAVIR S. CHAUHAN)
JUDGE

March 19, 2015
pds.