

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

**Crl. Misc. No. M-19149 of 2013
Date of Decision: 13.02.2015.**

Kamaljeet Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. F.S.Virk, Advocate
for the petitioner.

Mr. K.S.Aulakh, AAG, Punjab.

.....

SABINA, J.

Petitioner has filed this petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.' for short) challenging the orders dated 4.2.2013 (Annexure P-14) and 2.5.2013 (Annexure P-16).

Learned counsel for the petitioner has submitted that the name of the petitioner was not mentioned in the FIR or in the statements of the complainant and other witnesses. The truck in question was recovered from the custody of accused Harpreet Singh. No recovery was effected from the petitioner. Petitioner has been falsely involved in this case.

Learned State counsel, on the other hand, has submitted that during investigation, Harpreet Singh accused had suffered a disclosure statement on 8.7.2011 that the truck in question had been stolen by him in connivance with the present

petitioner. Thereafter, petitioner was arrested.

Prosecution story, in brief, is that a 12 tyres truck bearing No. PB-12N-1161 was stolen. Fateh Singh, driver of the complainant, had parked the truck in front of the shop of Nand Lal for repair. However, when the driver of the complainant reached the shop in the morning on 8.3.2011, it transpired that the truck in question had been stolen. The truck was recovered from accused Harpreet Singh and was taken in possession in FIR No. 97 dated 1.7.2011 registered under Section 379, 411, 420, 467, 468, 471 of the Indian Penal Code, 1860 ('IPC' for short) at Police Station City Rupnagar. During investigation, Harpreet Singh suffered a disclosure statement that the truck in question had been stolen by him in connivance with the present petitioner. Thereafter, petitioner was arrested. After completion of investigation and necessary formalities, challan was presented against the petitioner and his co-accused.

In the facts and circumstances of the present case, the learned Trial Court had rightly ordered the framing of charge against the petitioner under Section 379 IPC. Revision petition filed by the petitioner against the order passed by the Trial Court whereby charge was ordered to be framed against the petitioner, was also dismissed vide order dated 2.5.2013 (Annexure P-16).

It is a settled proposition of law that the petitioner cannot invoke jurisdiction of this Court under Section 482 Cr.P.C. after dismissal of his revision by the Sessions Court as it would amount to a second revision. However, in a case of grave injustice, this Court can interfere under Section 482 Cr.P.C.

In the present case, no grave miscarriage of justice has occurred which would warrant interference by this Court under Section 482 Cr.P.C.

Keeping in view the facts and circumstances of the present case, no ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

February 13, 2015
Gurpreet