

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM no.M-31434 of 2010 (O&M)
Decided on :18.05.2015

Ranbir Singh

....Petitioner(s)

VERSUS

Ram Pal and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE MAHESH GROVER

Present:- Mr. V.K.Gupta, Advocate for the petitioner

Mr. R.S.Mamli, Advocate for the respondents

MAHESH GROVER, J

This is a petition under Section 482 Cr.P.C directed against the order dated 14.7.2010 passed by learned Additional Sessions Judge, Yamunanagar, Jagadhri confirming the order dated 24.12.2009 passed by JMIC, Jagadhri.

The complainant had filed a complaint under Sections 148, 149, 323, 324, 395, 406, 506, 34 IPC at Police Station, City Jagadhri alleging that he and his son were given beatings and their tractor loaded with wood was snatched by the respondents. The complaint was dismissed after the police had investigated the matter and submitted a report under Section 202 Cr.P.C stating that the complainant had borrowed money from the present respondent Ram Pal and upon his inability to repay he had sold the tractor to him. An affidavit of Bimla Devi was a testimony to this effect.

The present respondent no.1 – Ram Pal had applied for change of ownership on the basis of affidavit to sell. The Court thus found no reason to proceed against the present respondents. This led to the filing of

revision petition by the present petitioner which the Court of Additional Sessions Judge, Yamunanagr dismissed vide impugned order dated 14.7.2010.

The Court has perused the impugned order as also the material on record. There would be an impediment in the way of petitioner of his having availed remedy of revision and present petition would also be termed to be a revision under the garb of Section 482 Cr.P.C which is impermissible unless some exceptional circumstances are shown. Finding none of them to be manifest in the present petition, I am of the view that the same is totally misconceived. Besides, there is no infirmity in the impugned order. The facts would suggest that the complaint is false as the petitioner had borrowed the money and sold the tractor in lieu thereof. Consequently, allegations of snatching of the tractor which had already been sold by Bimla Devi to Ram Lal as her affidavit would suggest, can at best be termed to be false.

Hence, instant petition is hereby dismissed.

May 18, 2015
rekha

(Mahesh Grover)
Judge