

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

CRM No. M 290 of 2015
Date of decision 06.02.2015.

Partap Singh and others

..... Petitioners.

versus

State of Punjab and another

..... Respondent.

CORAM :- HON'BLE MR.JUSTICE K.C.PURI.

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present : Mr.N.P.S.Mann, Advocate for petitioners.

K.C.PURI, J.

Challenge in this petition is the order dated 03.12.2014 passed by learned Additional Sessions Judge, (III) Ferozepur, vide which the revision petition filed by the respondent No.2- Tara Singh-complainant against the order dated 16.4.2014 passed by learned Judicial Magistrate Ist Class, Ludhiana was allowed and the petitioners-accused were ordered to be summoned on an application under Section 319 of the Code of Criminal Procedure Code (in short – the Cr.P.C.) to stand trial in a case FIR No.19 dated 15.02.2010 registered under Sections 419, 420, 467, 468, 471 and 120-B of the IPC at Police Station Cantt. Ferozepur, which was initially

dismissed by the trial Court.

2. Brief facts of the prosecution case are that Kartar Kaur wife of Megh Singh was grandmother of complainant-respondent. She was owner of land measuring 41 kanals in village Kotwal and was having an electric connection bearing Account No.F-315 authorised and sanctioned by PSEB in her name. Kartar Kaur died on 13.12.1989. In the month of March, 2007, complainant approached the office of PSEB for restoation of the above said electric connection as per new guidelines issued by the Punjab Government. From the said office, he came to know that the above said electric connection is running in a new Account No.F-821 in the name of Partap Singh. On his inquiry, he came to know that the said electric connection was got transferred in the year 2003 by Partap Singh by execution of fabricated affidavit in connivance with Balwinder Singh and Lakhwinder Singh that Kartar Kaur had sold the electric connection to them. At that time, Lakhwinder Singh and Balwinder Singh had filed an affidavit in favour of Partap Singh that they have no objection in transfer of electric connection No.F-315 from the name of Kartar Kaur in the name of Partap Singh. Thus, it was done in criminal conspiracy and forgery committed by the accused persons.

3. On the basis of aforesaid said statement, FIR was got registered and after investigation challan was presented in the Court for trial Court.

4. During trial, statements of PW-Gagandeep Singh, Revenue Assistant of PSEB and Chaudhary Hans Raj, Inspector was recorded and thereafter prosecution moved an application under Section 319 of the

Cr.P.C, alleging that there is sufficient evidence to prove that the respondents namely Partap Singh, Lakhwinder Singh and Balwinder Singh are guilty for the commission of offence punishable under Sections 419, 420, 467, 468, 471 and 120-B of the IPC, which was dismissed by the trial Court vide order dated 16.04.2014.

Feeling dissatisfied with the aforesaid order dated 16.04.2014, complainant/petitioner went in revision. The learned Additional Sessions Judge has allowed the said application of the complainant vide order 03.12.2014 and ordered to summon the petitioners-accused to stand their trial for the offence under Sections 419, 420, 467, 468, 471 & 120-B, IPC.

3. I have heard learned counsel for the petitioner and have gone through the paper book with his help.

4. Learned counsel for the petitioners-accused has submitted that they are purchasers of the land and could not know about the earlier transactions.

5. I have considered the said submission but do not find any force in that submission.

6. The connection in the name of Kartar Kaur was got transferred in the year 2003 by Partap Singh by executing fabricated affidavit in connivance of Balwinder Singh and Lakhwinder Singh and the said electric connection has been sold. So, it cannot be said that petitioners have been wrongly summoned under Sections 319 of the Cr.P.C. In villages the death of a lady would be known to every one. Moreover, power under Section 482 of the Cr.P.C., can be invoked only if there is any clear abuse of the

process of the Court. Even a prima facie case is sufficient to proceed against the accused.

7. So, in these circumstances, no ground for invoking the provisions of Section 482 of the Cr.P.C. is made out. Consequently, the petition stands dismissed.

8. A copy of this order be conveyed to the trial Court for strict compliance.

February 06, 2015

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**(K. C. PURI)
JUDGE**