

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
2015.02.18 17:11
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CRM No. M-35979 of 2011 (O/M)

Date of decision : 16.2.2015

Zile Singh Chauhan

..... Petitioner

Versus

Jite Ram alias Ranjit Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Madan Pal, Advocate, for the petitioner.

Mr. J.K. Goel, Advocate, for the respondent.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present petition is the order dated 2.6.2011 (Annexure-P-4), passed by the learned Sessions Judge, Karnal, vide which the revision filed by the accused/respondent herein was allowed and the summoning order dated 10.5.2010 (Annexure-P-3), passed by the learned Judicial Magistrate 1st Class, Karnal, on the complaint of present petitioner was set aside.

A perusal of the impugned order dated 2.6.2011 (Annexure-P-4) shows that the learned Sessions Judge, Karnal, relied upon the judgment of the Hon'ble Supreme Court in Md. Ibrahim and others Versus State of Bihar and another, 2009 (4)

Criminal Court Cases, 009 (SC) to hold that in this case, the ingredients of Section 420 IPC are not made out. The present petitioner was the owner of a plot, which was sold without any title by the accused to third person. The third person did not get the title. The learned Sessions Judge, Karnal, held that the present petitioner was not cheated. Therefore, the summoning order dated 10.5.2010 (Annexure-P-3), passed by the learned Judicial Magistrate 1st Class, Karnal, was set aside. In addition to this, it comes out that the present petitioner had filed another complaint, which was dismissed in default and thereafter, without getting the previous complaint restored, another complaint was filed by the present petitioner on the same set of allegations. Therefore, there is no ground to interfere with the impugned order dated 2.6.2011 (Annexure-P-4), passed by the learned Sessions Judge, Karnal.

Accordingly, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

16.2.2015
sjks