

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

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CRR No.824 of 2007

Decided on : 02.12.2015

Sarja Singh

... Petitioner

Versus

Jit Singh and others

.. Respondents

CORAM : HON'BLE MR.JUSTICE M.M.S.BEDI

Present : None for the parties.

M.M.S. Bedi, J. (Oral)

Sarja Singh, petitioner in the capacity as legal representative of the complainant, Bhuro (since deceased) has filed the present revision petition against the acquittal order passed by the lower Appellate Court while setting aside the conviction of the respondents under Sections 420, 467, 468, 471 and 120-B, IPC sentencing them to undergo rigorous imprisonment for two years under Section 120-B, IPC and for 2-1/2 years each under Section 467, 468 and 471, IPC along with payment of fine of Rs.500 under each section.

The FIR had been registered at the instance of Bhuro by filing a written complaint to the police of Barnala, alleging that her thumb impressions had been obtained on the pretext of papers prepared for old age pension and the same had been used for preparation of sale deeds of her land measuring 3 -1/2 killas. The respondents were convicted by the trial court but the learned

Additional Sessions Judge, Barnala allowed the appeal of the accused-respondents on the following grounds:-

- (1) Bhuro, the person who had been cheated was not examined to establish the story of the prosecution. Bhuro had died on 5.10.1999 whereas the FIR had been registered on the basis of alleged forged sale deed dated 7.8.1997. The lower Court observed that the case has been adjourned repeatedly for her evidence.
- (2) The most important documents i.e. sale deeds of years 12.08.1997 and 7.8.1997 were never proved by the prosecution by any means to establish that these sale deeds had been got fraudulently prepared or that those bear the signatures of Bhuro (complainant).
- (3) The lower Appellate Court has relied upon ex parte decree passed in favour of Bhuro.
- (4) The thumb impressions of Bhuro on the disputed sale deeds stand corroborated with her signatures on subsequent executed sale deeds Ex.D-39 and D-40. As per statement of DW3, Harbakash Singh Mander, Handwriting and Finger Prints Experts who proved his report Exhibit D/4, ingredients of Sections 468, IPC are not made out.
- (5) The circumstantial evidence produced by the prosecution is not sufficient to prove the case of the prosecution against the respondents beyond any reasonable shadow of doubt.

I have carefully gone through the judgment of the lower Appellate Court and gone through the record.

I am of the opinion that the appeal deserves to be dismissed as re-appreciation of evidence and reconsidering the

material on record is indicative of the fact that the presumption of truth which is attached to the registered documents has not been rebutted by the prosecution witnesses in any manner.

No ground is made out for interfering in the order of acquittal passed by the lower Appellate Court.

Dismissed.

[M.M.S.BEDI]
Judge

02.12.2015
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