

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT  
CHANDIGARH**

**CRR-3031-2011**  
**Date of decision:10.03.2015**

Parmod Kumar

...Petitioner

**Versus**

Mohinder Singh and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK**

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

**Present:** Mr.Ramesh Sharma, Advocate for the petitioner.

Mr.Viney Puri, Advocate for respondent No.1.

Mr.R.S.Randhawa, Addl. A.G., Punjab.

**RAMESHWAR SINGH MALIK, J. (Oral)**

Feeling aggrieved against the impugned judgment dated 7.9.2011 passed by the learned Additional Sessions Judge, Jalandhar, whereby the judgment of acquittal dated 21.12.2009 passed by the learned Chief Judicial Magistrate, Jalandhar, was upheld, petitioner-complainant has approached this Court by way of instant criminal revision petition.

Learned counsel for the petitioner submits that both the learned courts below have misdirected themselves, while not appreciating the evidence available on record in correct perspective. He further submits that there was sufficient evidence to establish the guilt of the accused-respondent namely Mohinder Singh. He prays for setting aside the impugned judgments, by allowing the present revision petition.

Per contra, learned counsel for the respondent-accused submits

that both the learned courts below have recorded cogent findings which were based on proper appreciation of evidence and there was hardly any scope to interfere at the hands of this Court. He prays for dismissal of the revision petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, instant one has not been found to be a fit case warranting interference at the hands of this Court, while exercising its revisional jurisdiction, for the following more than one reasons.

A combined reading of both the impugned judgments would show that both the learned courts below have recorded positive and categorical findings on each and every aspect of the matter. The evidence brought on record was rightly appreciated. Prosecution has miserably failed to prove its case. Previous litigation was also found pending between the parties. After due appreciation of the evidence, the learned trial Court came to the judicious conclusion that the prosecution has failed to bring home the guilt against the accused-respondent. Accordingly, the judgment dated 21.12.2009 was passed by the learned trial Court, whereby the respondent-accused was acquitted of the charges framed against him.

Similarly, the learned Additional Sessions Judge re-appreciated the entire evidence. After due appreciation of the evidence brought on record, learned first appellate court came to the conclusion that the learned trial Court has rightly acquitted the accused-respondent. Accordingly, while upholding the judgment of acquittal, the appeal of the present petitioner-

complainant was dismissed vide impugned judgment dated 7.9.2011.

In fact, a close perusal of both the impugned judgments would show that the learned courts below have committed no error of law, while passing their respective impugned judgments and the same deserve to be upheld. The learned Additional Sessions Judge, Jalandhar, discussed each and every aspect of the matter, before recording his own independent findings. The relevant observations made by the learned Additional Sessions Judge in paras 12 to 14 of the impugned judgment, read as under:-

*“The accused has been specifically charged that Passport Officer has been cheated and the Passport Officer has not initiated any action. Further the appellant is having grudge against the respondent as his son is tenant of Mohinder Singh and copy of judgment Ex. D2 of the court of Sh. Barjinder Pal Singh, Id. Rent Controller, Jalandhar prove the same that eviction order has been passed against the son of the appellant.*

*Further appellant's own witness PW3 Hari Dutt in his cross-examination stated that Parmodh Kumar told him that Mohinder Singh's passport was prepared by him. As appellant himself has got prepared the passport. Hence, prima facie case against appellant himself is made out and hence the charge should have been frame against Parmod Kumar, Further the investigation was conducted in a shabby manner by ASI Resham Singh as he has not taken into possession both the ration cards of Gurdial Singh and Mohinder Singh. He has only recorded the statements of witness and not sent the signatures for verification to the handwriting expert.*

*In view of the above discussion, I hold that the Id. lower court has rightly acquitted the accused and as such the findings of the Id. lower court are affirmed and upheld. Accordingly, the appeal filed by appellant is dismissed. Accused/appellant is acquitted of the charge framed against*

*him. File of the trial court be sent back alongwith copy of this judgment and file of this court be consigned to the record room.”*

During the course of hearing, learned counsel for the petitioner failed to point out any patent illegality or jurisdictional error in either of the impugned judgments, so as to enable this Court to take a different view than the one taken by the learned courts below. Further, it is the settled proposition of law that whenever two views are possible, the view which goes in favour of the accused, is to be followed by the Court. In these circumstances, it can be safely concluded that both the impugned judgments of acquittal are well justified on facts as well as in law and the same deserve to be upheld, for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present criminal revision petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

Resultantly, with the above-said observations made, the instant criminal petition stands dismissed.

10.03.2015  
mks

(RAMESHWAR SINGH MALIK)  
JUDGE