

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

**CRR NO. 2545 OF 2013 (O&M)
DECIDED ON : 15.01.2015**

Baldev Singh

...Petitioner

versus

State of Punjab and others

...Respondents

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

Present : Mr. Manish Dadwal, Advocate,
for the petitioner.

K. C. PURI, J. (ORAL)

Challenge in the instant revision petition is to the judgment dated 18.03.2013 passed by Additional Sessions Judge, Jalandhar, vide which the appeal preferred by the complainant/appellant now revisionist against the judgment dated 26.02.2010 passed by Judicial Magistrate Ist Class, Jalandhar dismissing the complaint of the complainant under Sections 500/506/120-B of the Indian Penal Code (in short "the IPC"), was dismissed.

Briefly stated, the facts as gathered from the record are that complainant is practicing as an Advocate at Civil Court, Nakodar. Sukhdev Singh was the Sarpanch and Gurnam Singh was the Panch of village Sohal Jagir, Tehsil Shahkot, District

Jalandhar. Both the accused persons belonged to ruling party whereas the complainant is a social worker. On 10.06.1998, the police of Police Station Shahkot conducted raid at the electric motor/well of Sukhdev Singh-accused no.1. The police took away all the utensils from distillation of Lohan but due to political pressure, no case was registered against Sukhdev Singh. After few days the accused persons blamed one Sital Singh and other persons of the village for the said raid. Later on, on 30.06.1996, the accused blamed the complainant for the said raid in the presence of Wazir Chand Member Panchayat and other persons. The accused called complainant as 'tout' of police and insulted the complainant. Thereafter accused were called upon many a times to settle the dispute but they did not turn up. They again used filthy and abusive language against the complainant on 12.08.2000 at the funeral ceremony of Pargan Singh. Hence, the complaint was filed.

In preliminary evidence, complainant examined himself and closed the evidence. The learned trial court vide order dated 16.09.2002 summoned both the accused to face trial under Sections 500/506/34/120-B IPC.

On finding a prima facie case made out against both the accused, they were served with notice of accusation under Sections 500/506 IPC. The contents of said notice were read over to both the accused to which they pleaded not guilty and claimed trial.

In after charge evidence, complainant himself appeared as CW-1 and examined Prem Singh as CW-2, Wazir Chand as CW-3, Shingara Chand as CW-4 and closed the evidence.

Statements of both the accused were recorded under Section 313 Cr.P.C wherein all the incriminating evidence was put to them, to which they denied and pleaded false implication.

The accused were called upon to lead defence evidence and they examined Darshan as DW-1, Pritam Kaur as DW-2, Gurmit Singh as DW-3 and closed the evidence.

The learned trial court, after appraisal of the evidence, dismissed the complaint and acquitted both the accused of all the charges levelled against them.

Feeling dissatisfied with the above said judgment dated 26.02.2010 passed by Shri Aashish Abrol, Judicial Magistrate Ist Class, Jalandhar, the complainant preferred appeal. The said appeal was also dismissed vide judgment dated 18.03.2013 passed by Shri Harjinder Pal Singh, Additional Sessions Judge, Jalandhar.

The revisionist/complainant has now impugned both the judgments dated 26.02.2010 passed by Judicial Magistrate Ist Class, Jalandhar and dated 18.03.2013 passed by Additional Sessions Judge, Jalandhar, in the instant revision petition.

Learned counsel for the revisionist has submitted that both the courts below have not properly appreciated the facts of

the case and have simply considered about the earlier litigation. Both the courts have not discussed about the defamatory language used against the petitioner by the respondents No.2 and 3.

I have carefully considered the submissions made by learned counsel for the petitioner and have gone through the records carefully.

The learned trial court has passed an elaborate judgment. Otherwise also, learned counsel for the petitioner is fair enough to concede that in respect of offence under Sections 506/120-B IPC, relating to the present case, the maximum punishment is two years. The defamatory language is stated to have been used against the petitioner from the year 1996 to 2002. In view of Section 468 of the Code of Criminal Procedure, the complaint could have been filed within three years. No application for extension of time was ever moved before the trial court. So, on the face of it, the complaint is time barred.

In these circumstances, no ground for interference by this court is made out. Consequently, the revision petition is without any merit and the same stands dismissed.

JANUARY 15, 2015
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(K. C. PURI)
JUDGE