

CRR-1163-2014

[1]

In the High Court of Punjab and Haryana at Chandigarh

CRR-1163-2014

Date of decision: 07.09.2015

Joginder Singh

.....Petitioner

Versus

Harpal Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. G.P.S. Bal, Advocate,
for the petitioner.

Mr. R.P.S. Sidhu, AAG, Punjab.

SABINA, J.

Respondents No.1 to 3 had faced under Section 420 of Indian Penal Code, 1860, in FIR No.70, dated 12.07.2004, registered at Police Station Gharinda, Amritsar.

Trial Court vide order dated 01.02.2012 ordered the acquittal of respondents No.1 to 3. The said order was challenged by the complainant by way of an appeal and the same was upheld by the Appellate Court vide order dated 29.10.2013. Hence, the present petition by the complainant.

Prosecution story, in brief, is that respondents No.1 to 3 had already sold their share out of the land in question. However, the respondents had raised loan to the tune of

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₹2,70,000/- for purchase of a tractor and they had executed a mortgage deed dated 19.06.2003 qua the land of the complainant. Learned trial Court while ordering the acquittal of the respondents No.1 to 3 has held that there was no proof brought on record from where it could be inferred that the complainant-petitioner was exclusive owner of the land mortgaged by the accused with the Bank. Further the prosecution had failed to prove on record any loan application moved by the accused before the Bank or the mortgage deed executed by the accused in favour of the Bank. Petitioner had admitted in his cross-examination that he was in possession of the land in question qua his share.

In these circumstances, the learned trial Court had rightly ordered the acquittal of the respondents No.1 to 3 qua the charges framed against them. The order passed by the trial Court was rightly upheld by the Appellate Court as the prosecution had failed to prove the necessary documents on record.

No ground for interference by this Court is made out.

Dismissed.

September 07, 2015
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(SABINA)
JUDGE