

In the High Court of Punjab and Haryana at Chandigarh

**Crl. Revision No. 3827 of 2013
Date of decision: 5.11.2015**

Municipal Committee, Dasuya

.....Petitioner

Versus

Tilak alias Kishan Dev and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. A.K.Sharma, Advocate
for the petitioner.

SABINA, J.

Respondent No. 1 had faced the trial in a complaint filed by the petitioner under Section 172-A read with 228 of the Punjab Municipal Act, 1911 ('Act' for short). Trial Court vide judgment/order dated 10.5.2011 ordered the conviction and sentence of respondent No. 1 under Section 172-A read with Section 228 of the Act. Appeal filed by respondent No. 1 against the said judgment/order of his conviction and sentence, was allowed and respondent No. 1 was ordered to be acquitted of the charge framed against him. Hence, the present petition by the petitioner/complainant.

I have heard the learned counsel for the petitioner and have gone through the record available on the file carefully.

Case of the complainant, in brief, was that respondent No. 1 illegally encroached upon some area of the complainant bearing *khasra* No. 127 situated in Ward No. 2, Dasuya. Notice was issued to respondent No. 1 to remove the encroachment but he

had failed to do so. The Court of Revision while ordering the acquittal of respondent No. 1 has noticed that no document had been proved on record to establish the ownership of the Municipal Committee qua *khasra* No. 127. It has been further noticed by the Court of Revision that AW-1 Bakhtawar Singh had admitted that he had not seen any record regarding the title of the property in dispute. The said witness had also failed to deny that during consolidation, *khasra* No. 127 was reserved for Balmik community. Thus, the Court of Revision rightly held that the prosecution had failed to prove its case beyond the shadow of reasonable doubt and has, consequently, rightly ordered the acquittal of respondent No. 1.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

November 05, 2015

Gurpreet