

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRR No.1306 of 2014

Date of decision: 23.02.2015

Gurcharan Singh

.....Petitioner

versus

Sukhdev Singh and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Brijeshwar Singh Bhalla, Advocate for the petitioner

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

This is a revision filed by the complainant against the judgment dated 14.3.2014, passed by learned Additional Sessions Judge, Moga, affirming that of the learned Sub Division Judicial Magistrate, Moga dated 16.11.2012, vide which, accused was acquitted of the charges under Sections 420, 465, 467, 471 IPC.

In nutshell, it is alleged that accused had sold some paddy to the firm of the complainant on 15.10.2003, 17.10.2003 and 18.10.2003 worth Rs.2,30,000/-. It is stated that nine months later, accused came to the commission agent shop of the complainant with a fake receipt showing sale of 975 bags of 35 kgs. each. After recording evidence, learned Sub Division Judicial Magistrate, Moga held that the offence is not proved and consequently acquitted the accused. Judgment was upheld in appeal.

Learned counsel for the petitioner has argued that the complainant examined the witnesses who have stated that receipt is forged. He has also produced market committee register to show that on 16.10.2003, when the said bags are alleged to have been sold no sale took place. However, it is not denied that report of handwriting expert was there on the file which was not proved. The application to adduce additional evidence i.e. report of handwriting expert, was dismissed by the Court. In this way, it is proved that best evidence was kept away from the Court. In the face of the non-production of the best evidence, oral evidence was rightly discarded.

I do not find any illegality or infirmity in the judgment of the two Courts below.

Accordingly, the revision petition is dismissed.

23.02.2015
gk

(Kuldip Singh)
Judge