

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.18383 of 2014
and
Criminal Revision No.1818 of 2014

.....

Date of decision:12.1.2015

Rajkali

...Petitioner

v.

State of Haryana and others

Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Gaurav Mohunta, Advocate for the petitioner.

.....

Inderjit Singh, J.

Cr. Misc. No.18383 of 2014:

For the reasons mentioned in the criminal miscellaneous application, the delay of 25 days in filing the revision petition is condoned.

The criminal miscellaneous application stands disposed of.

Cr. Rev.1818 of 2014:

The petitioner has filed this criminal revision petition under Section 401 Cr.P.C. challenging the impugned order dated 7.2.2014 passed by learned Sessions Judge, Jind, vide which the judgment of acquittal recorded by the trial Court dated 15.1.2013 was upheld and the appeal was dismissed.

It is mainly stated in the grounds of revision petition that the present revision is against the impugned judgment dated 15.1.2013 passed by the learned Judicial Magistrate Ist Class, Jind and the judgment dated 7.2.2014 passed by the learned Sessions Judge, Jind, vide which the respondents No.2 and 3 have been acquitted for the commission of offences punishable under Sections 420 and 415 IPC. The aforesaid judgments under revision in the facts and circumstances of the present case are on the face of it patently perverse, illegal, unjust, passed without judicial application of mind, against law and facts on the record and thus deserve to be set aside.

I have heard learned counsel for the petitioner and have gone through the record.

The brief facts of the case are that the FIR was lodged by sending a complaint to the concerned Police Station. It is stated in the complainant that the accused persons (respondents No.2 and 3 herein) after alluring the complainant regarding one property situated at Panipat had deceived the complainant to give ₹13 Lacs to them for purchasing land. On believing the accused persons i.e. Baljeet and Satpal, the complainant had given ₹13 Lacs to them on 11.12.2005, but the accused persons had neither returned the amount nor executed any sale deed in favour of the complainant and thereby caused wrongful loss to her.

A perusal of the record shows that there is no documentary evidence to show the payment of ₹13 Lacs to the accused. There is only oral statements of complainant-PW.7 and PW-5 Karan Singh. No receipt

[3]

had been taken after paying ₹13 Lacs to respondents No.2 and 3. No agreement to sell was got executed from respondents No.2 and 3. There is no document on record that this amount of ₹13 Lacs had been paid by the mode of negotiable instruments i.e. by cheque, demand draft etc. There is no documentary evidence on the record to show the source of ₹13 Lacs. There is no document to show this amount had been withdrawn from the bank. The version of the complainant is also not believable. If this amount of ₹13 Lacs had been paid to the accused for purchasing the land, then the sale deed was to be got executed at that time. Except the oral statement of the complainant as well as PW-5 Karan Singh, there is no cogent evidence on the record.

The learned Courts below have given concurrent findings and have not believed the oral evidence. A reasonable doubt exists in the prosecution case especially when the Investigating Officer had not been examined and the documents regarding investigation of the case remained unproved on the file. The judgments passed by the Courts below, in no way, can be held as illegal, against the law nor the findings can be held as against the evidence produced on the record. Nothing has been pointed out which material evidence has been misread by the Courts below and which material evidence has not been considered by the Courts below. In no way, the judgments of the Courts below can be held as illegal or perverse.

Therefore, the judgments passed by the Courts below are correct and as per law which do not require any interference from this

[4]

Court and the same are upheld.

Finding no merit in the present criminal revision petition, the same is dismissed.

January 12, 2015.

(Inderjit Singh)
Judge

hsp