

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

CRR No. 1890 of 2014
Date of decision 12.01.2015.

Gurjeet Singh

..... Petitioner.

versus

State of Punjab & others

..... Respondents.

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

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?

Present : Mr. Sandeep Arora, Advocate for petitioner.

K.C.PURI, J.

Challenge in this revision is the order dated 13.03.2014 vide which the appeal preferred by the complainant against the judgment dated 6.12.2010 passed by Mr. Rakesh Kumar, learned Additional Chief Judicial Magistrate, Gurdaspur, vide which the accused/respondents stood acquitted in respect of FIR No.281 dated 21.12.2004 registered under Sections 447, 506 and 34 of the Indian Penal Code (in short – the IPC), was dismissed.

2. The prosecution story in brief is that Gurjit Singh complainant has made a statement before Police Officer that he is BAMS doctor and was posted at Mehak Hospital, Behrampur Road Gurdaspur. He left the job on

1.12.2004 and started his own practice. In the year 2001, he has purchased the property measuring 3½ marlas including four shops for an amount of Rs.3,32,000/- from the accused Makhan Singh. Out of these four shops he let out one shop to Pakash Chand, the second shop to Nishan Singh and third shop was retained by him. The fourth shop was given on temporary basis to Makhan Singh to keep his articles for few days in the month of October 2004. Thereafter one and half month passed the complainant asked accused Makhan Singh to return the possession of the said shop to him but Makhan Singh filed a civil suit in the Court where order of status quo was passed regarding possession by the Court and the matter was adjourned to 11.2.2005. Accused Makhan Singh, Sullakhan Singh, Joginder Singh and Dalbir Singh in order to show the possession of the accused over the shop in connivance with each other started placing their articles in the shops of the complainant and the complainant stopped them from doing so but he was threatened with dire consequences. On the basis of aforesaid statement, FIR was got recorded. Post mortem examination was got conducted. Statements of the prosecution witnesses were recorded. After completion of necessary investigation challan against the accused was presented in the Court.

3. Copies of the documents were supplied to the accused free of costs. The Illqua Magistrate framed charge for offences punishable under sections 447, 506 read with Section 34 of the IPC to which, the accused pleaded not guilty and claimed trial.

4. In support of its case, the prosecution examined Jaswant Singh as PW-1, HC Iqbal Singh as PW-2, Gurjit Singh complainant as PW-

3, Bishan Dass as PW-4, Kartar Singh as PW-5, Nasib Singh as PW-6, Jodh Singh as PW-7, ASI Rajesh Kumar as PW-8, Kuldip Singh as PW-9, SI Harbhajan Singh as PW-10 and closed the prosecution evidence.

5. In their statements recorded under Section 313 Cr.P.C., the accused have denied all the prosecution allegations and pleaded their false implication. They did not lead any evidence in defence.

6. The trial Court, after hearing the learned counsel for the parties acquitted the accused from the charges levelled against them vide judgment dated 06.12.2010, as aforesaid.

7. Feeling dissatisfied with the aforesaid judgment dated 06.12.2010, the State has preferred appeal before the learned Sessions Judge, Gurdaspur. The learned Sessions Judge, Gurdaspur vide order dated 13.03.2014 dismissed the appeal of the State.

8. The complainant/petitioner has impugned the judgment dated 06.12.2010 passed by Shri Rakesh Kumar, Additional Chief Judicial Magistrate, Gurdaspur, and the judgment dated 13.03.2014 passed by Shri Mandip Singh Dhillon, learned Additional Sessions Judge, Gurdaspur, by way of present revision petition.

9. I have heard learned counsel for the petitioner and have carefully gone through the case file.

10. There is concurrent finding recorded by both the Courts below after appreciating the fact that petitioner has failed to prove the ownership and possession of the shop in question. The petitioner has relied upon the sale deed and counsel for the petitioner is fair enough to concede that there is no mention of the fact that shop has been constructed in the land

purchased by the petitioner. So, both the Courts below after considering the evidence have reached to the conclusion that prosecution has failed to prove the ingredient of offence complained off. Counsel for the petitioner could not point out how the judgment of both the Courts below are wrong. Offence under Section 447 of the IPC would be attracted only in case the complainant is able to prove the ownership and possession of the shop. The civil litigation is stated to be pending in respect of the suit property. The trial Court observed that without prejudicing the case of the complainant regarding ownership the accused are acquitted on the ground that complainant has failed to prove his ownership. Otherwise also, the scope of revision is very limited and this Court can only interfere in case the judgments of both the Courts below are the result of misreading and misinterpreting the evidence on the record or perverse. There is nothing on the record to show that judgments of both the Courts below are perverse or are the result of misreading and misinterpreting the evidence on the file.

11. So, in view of the above discussion, the present revision petition stands dismissed without issuing any notice to the opposite party.

12. A copy of this order be conveyed to the trial Court for strict compliance.

January 12, 2015

SV

(K. C. PURI)
JUDGE