

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

**Crl. Revision No. 2520 of 2014 (O&M)
Date of Decision: 26.05.2015**

Ashok Kumar

.. Petitioner

Vs.

State of Punjab &Anr.

.. Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Argued by:- Mr. Alok Jagga, Advocate and
Mr. Karanyog Singh, Advocate
for the petitioner.**

Mr. V.P.S. Sidhu, Assistant AG Punjab.

None for respondent No.2.

ANITA CHAUDHRY, J.

The instant revision petition has been preferred against the order and charge-sheet dated 24.01.2014 vide which the petitioner and other co-accused have been charge-sheeted under Sections 120-B, 419, 420, 467, 468 and 471 IPC in FIR No. 39 dated 01.03.2011, Police Station Gobindgarh.

The case was got registered by respondent No.2 Joint Sub Registrar, Mandi Gobindgarh on the allegations that as per information provided by Vijay Kumar, his son Amit Suri was owner of 3 bighas of land. Amit is residing in New Zealand since 2009. In his absence Gurvinder Singh @ Lali impersonated his son Amit Suri and executed a sale-

deed in favour of Satvir Singh. The said-deed was witnessed by Kunda Ram Lambardar and Sonu Chauhan. Satvir Singh succeeded to increase the over draft limit loan from the bank where the petitioner was posted as Branch Manager by mortgaging the land received fraudulently vide sale-deed dated 27.11.2009, from Rs.20 lacs to Rs.45 lacs.

It has been, inter alia, urged on behalf of the petitioner that the trial Court has erred in framing charge against the petitioner. It has been urged that the petitioner was not named in the FIR and had no role to play in the entire episode of cheating and impersonation and the allegations were against the other accused. It was urged that when the loan limit was increased in 2010, there was no complaint about the title. Reference has been made to documents Annexures P-2 to P-12 to urge that the petitioner not only completed the entire formalities prior to raising the loan limit on the basis of registered sale-deed, but also acted in due diligence. It was urged that the prosecution of the petitioner without any sanction is bad. It was urged that the petitioner was cheated by the other accused and he has been made a scapegoat. Referring to charge-sheet, it has been pointed out that the Court framed the charges against the other co-accused under Section 420 IPC for having cheated the complainant Nirmal Singh, Amit Suri and the

petitioner, Ashok Kumar, Manager and in that eventuality the petitioner ought to have been shown as a witness. It was further urged that the involvement of the petitioner on the basis of disclosure statement of accused Satvir Singh that he paid Rs.3 lacs to the petitioner to get the credit limit enhanced, is not legally admissible to frame the charge against the petitioner. It was urged that the submissions were made at the time of charge, but none of them was considered by the trial Court.

At the outset, this Court refrains from commenting on merits of the case as any observation made by this Court may affect the case of either parties. The petitioner was required to avail the remedy permissible to him by filing a revision petition before the Court of Sessions. Therefore, the instant petition is disposed of with liberty to the petitioner to file a revision petition before the Sessions Court. If the revision petition is filed within two months from today, the same shall be dealt with by the Court concerned in accordance with law, on merits, by passing a speaking order and without insisting on the issue of limitation.

May 26, 2015
Jiten

(ANITA CHAUDHRY)
JUDGE