

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

**CRM No. 25252 of 2015 in/&
CRR No. 2874 of 2015 (O&M)
Date of decision : 13.08.2015**

Shiv Shukla

....Petitioner

V/s

State of Punjab

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sachin Sharma, Advocate for the petitioner.

RAJAN GUPTA J.

CRR No. 2874 of 2015

Limited plea raised in this petition is that petitioner has been charged for offence under section 413 IPC despite the fact that there is no allegation that he has been previously convicted for dishonestly receiving the stolen property. He has relied upon single bench judgment of Orissa High court reported as *Kotta Gopinarayan Choudhary vs. State of Orissa 2005(2) RCR (Crl.) 749*.

I have heard learned counsel for the petitioner.

I am not convinced with the plea. A careful reading of the charge-sheet shows there are allegations against the accused including the petitioner in dealing with stolen vehicles after forging registration record etc. They are alleged to have committed the act in connivance with each other. Instances of such crime and forgery are contained in the charge-sheet itself. Registration numbers of several vehicles have been given in the charge-sheet whose documents were forged. Allegedly these were stolen vehicles.

Under the circumstances, no case for interference in revisional jurisdiction is made out. Judgment in *Kotta Gopinarayan Choudhary's* case (supra) cannot help the case of the petitioner. Dismissed.

Needless to observe that in case prosecution is not able to bring home its charge against the petitioner under section 413 IPC, he would be entitled to acquittal in the same.

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As the main petition has been dismissed on merits, no order needs to be passed in this application.

August 13, 2015

Ajay

(RAJAN GUPTA)
JUDGE