

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Revision No.2886 of 2015

.....

Date of decision:19.9.2015

Balwinder Singh

...Petitioner

v.

Rakesh Kumar and others

Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Ram Kumar Saini, Advocate for the petitioner.

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Inderjit Singh, J.

The petitioner has filed this criminal revision petition under Section 401 Cr.P.C. challenging the impugned judgment dated 1.6.2015 passed by the learned Additional Sessions Judge, Ambala, dismissing the appeal filed against the judgment of acquittal dated 8.8.2012 passed by learned Judicial Magistrate Ist Class, Ambala.

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

From the record, I find that the accused/respondents-Rakesh Kumar, Dharamvir and Resham Singh were challaned in the FIR No.159 dated 16.6.2005 registered for the offences under Sections 420, 467 and 471 IPC at Police Station Mullana, Ambala.

The brief facts of the case are that the accused in connivance

with each other cheated Randhir Singh, Clerk, office of the SDO (Civil), Ambala, dishonestly inducing him to make a false caste certificate of Ramdasia despite the fact that accused No.2-Dharamvir belongs to Saini caste. In this manner, they forged a caste certificate and fraudulently used the same as genuine before the Military Authority.

The learned Judicial Magistrate Ist Class, Ambala, after appreciating the evidence on record and finding a reasonable doubt in the prosecution version acquitted all the accused by giving them benefit of doubt. The present petitioner filed an appeal which was dismissed by the learned Additional Sessions Judge, Ambala, by holding that he cannot be held as a victim. He is neither the person who suffered loss or injury due to the act of the accused nor he is legal heir or guardian etc. of the victim.

At the time of arguments, learned counsel for the revision petitioner admitted that he is the witness in the case. A witness in a prosecution case cannot be held as a victim as per definition of Section 2 (wa) of the Cr.P.C. which defines the victim to mean a person who has suffered loss or injury caused by the reason of the act or the omission for which the accused person has been charged and the expression "victim" includes his or her 'guardian' or 'legal heir'. As the revision petitioner does not fall in the definition of victim, therefore, he cannot file an appeal under section 372 Cr.P.C. before the learned Additional Sessions Judge. No illegality has been pointed out by the learned counsel for the petitioner as to how the findings recorded by the learned Additional Sessions Judge are perverse. Therefore, the judgment passed by the learned Additional Sessions Judge is correct and as per law which does not require any

interference from this Court and the same is upheld.

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

September 19, 2015.

(Inderjit Singh)
Judge

hsp