

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

**CRM-A-1190-MA of 2016 (O&M)
DATE OF DECISION :- July 25, 2016**

Bakshish Kaur

...Appellant

Versus

Balbir Kaur and others

...Respondents

CORAM: HON'BLE MR.JUSTICE M.JEYAPPAUL

HON'BLE MRS. JUSTICE SNEH PRASHAR

Present:- Mr. Surinder Singh Walia, Advocate for the appellant.

M.JEYAPPAUL, J.

CRM-19228 of 2016

Heard.

There is a delay of 25 days in filing the appeal. For the reasons set out in the application, the application is allowed.

CRM-A-1190-MA of 2016

1. Complainant Bakshish Kaur has sought Special Leave to Appeal against the judgment of acquittal recorded by the trial Court invoking the provision under Section 378 (4) of the Code of Criminal Procedure.
2. Respondents 1 to 7 were charged under Sections 420, 467, 468, 471, 506, 167 and 120B of the Indian Penal Code.
3. The gravamen of the charge is that the accused having hatched

a conspiracy with one another prepared forged death certificate of Natha Singh of the year 1985 with a motive to grab his land and got the mutation sanctioned in the name of sons and wife of Natha Singh.

4. We heard the elaborate submissions made by learned counsel appearing for the appellant.

5. The entire case of the complainant rests on the alleged forged death certificate of Natha Singh of the year 1985.

6. It is pertinent to refer to the evidence of the complainant. She has stated that she never saw the death certificate of Natha Singh which was prepared by accused Hazara Singh, Chowkidar. She has gone to the extent of deposing that Hazara Singh did not prepared the death certificate in connivance with Nambardar in her presence. No one who was an eye witness to the fabrication of death certificate of Natha Singh was examined to prove the core issue as to whether death certificate of Natha Singh of the year 1985 was fabricated. The death certificate of Natha Singh of the year 1985 was not at all produced before the Court to substantiate the allegation that such a fabricated document ever existed.

7. It has been established by CWs 1 and 2 that mutation no. 7267 (Ex.CW2/A) was sanctioned on the basis of the Will dated 7.12.1977 executed by Natha Singh. In other words, there was no reference to the sanction of above mutation based on the production of death certificate of Natha Singh.

8. Mutation No. 10386 was sanctioned based on the natural inheritance on the death of Natha Singh as on 10.11.1985. But there is no

document to establish that the certificate reflecting the death of Natha Singh on 10.11.1985 was fabricated and produced before the Revenue Authorities.

9. In our considered view, the trial Court has rightly acquitted the accused as the charges framed against them could not be established. Therefore, we find that there is no merit in the application seeking leave to prefer an appeal. Special Leave sought for is declined. Application is disposed of accordingly.

(M. JEYAPPAUL)
JUDGE

(SNEH PRASHAR)
JUDGE

July 25, 2016
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No