

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-A-241-MA-2016 (O&M)

Date of decision: 02.03.2016

Rajpal

..... Applicant

Versus

State of Haryana and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE RAMENDRA JAIN**

1. *Whether Reporters of the local papers 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. Vivek Goyal, Advocate
for the applicant.

RAMENDRA JAIN, J.

CRM-4469-2016

Sufficient cause has been shown to condone the delay in filing the application for grant of special leave to appeal.

Therefore, the application is accepted. The delay of 450 days in filing the accompanying application under Section 378 (3) Cr.P.C. is condoned.

CRM-A-241-MA-2016

Applicant-Rajpal by way of a private complainant prosecuted respondent No. 2-Balraj Sharma for getting appointment as a guest teacher of political science in Government Senior Secondary School,

Kakaut on the basis of forged degrees of B.A. and M.A. On verification, when the said degrees were found forged and fake, respondent No. 2 was sacked from service. However, on reporting the matter to the police, it did not take any action.

2. After recording the complainant-applicant's evidence and hearing both the sides, the learned trial Court did not find itself in favour of the applicant and, thus, acquitted respondent No. 2 vide impugned judgment dated 08.09.2014.

3. Being aggrieved, the applicant has filed the present application under Section 378(4) Cr.P.C. seeking leave to file accompanying appeal.

4. Learned counsel for the applicant contended that the impugned judgment is based on surmises and conjectures. Learned trial Court has failed to appreciate the statements of CW-1 to CW-5 from which it was clearly evident on record that respondent No. 2 had committed cheating by getting a job on forged and fictitious certificates. Respondent No. 2 has wrongly and illegally been acquitted by giving him the benefit of doubt.

5. After giving our thoughtful consideration, we find no merit in the application for the reasons to follow.

- (i) In the instant case, report under Section 202 Cr.P.C. was sought by the learned trial Court qua genuineness of the degrees/certificates of respondent No. 2. Consequently, upon enquiry by ASI Baljit Singh, Police Station Sadar, Kaithal, the B.A. and M.A.

Certificates were found genuine vide letter No. C-1442 dated 06.02.2009 written by the officials of B.R.A. Bihar University, Muzaffarpur to which the aforesaid documents belonged. Similar report was received from the aforesaid University vide letter No. C-712 dated 13.09.2008 that the above certificates of respondent No. 2 were genuine. In view of the above two reports, the allegation that the B.A. and M.A. certificates of respondent No. 2 were not issued by the University had lost its significance.

- (ii) The earlier report of the University qua ingenuineness of above certificates, was based on the photocopies of the documents Ex. PW-4/A and Ex. PW-4/B. The said report being based without comparing the photocopies with the original certificates was rightly ignored by the learned trial Court, more particularly when year of graduation, roll number and the year of exam of respondent No. 2 was found wrong in the photocopies. It is pertinent to mention here that when the original certificates of respondent No. 2 were sent to the University, the report regarding their genuineness came in his favour.
- (iii) The applicant has miserably failed to fulfill the ingredients of Section 420 IPC. He could not prove that respondent No. 2 had ever deceived him to deliver

any property or intentionally induced him to do anything which he would not have done in the ordinary course of nature, and further that any act or omission of respondent No. 2 had caused any damage or harm to his person, body, mind and reputation. The applicant has also not been able to show that what prejudice has been caused to him, more particularly, when respondent No. 2 had already been sacked from service.

(iv) Even otherwise, the manipulation in the original certificates or photocopies thereof was only qua the year and roll number. The applicant has failed to prove on record that what benefit had passed to respondent No. 2 from the above manipulation. It is needless to mention here that had respondent No. 2 wanted to take any undue advantage by fabrication of his degrees, in that eventuality, he would have fabricated his marks. Hence, ill motive of respondent No. 2 in preparing the alleged forged documents is also not proved on record.

6. Even otherwise, in the considered opinion of this Court, the applicant has no *locus standi* to file the present application. At the most the present litigation by him can be said to be a luxury litigation.

7. No other point was urged before us.

8. In view of the above discussion, we do not find any illegality

or perversity in the impugned judgment. Respondent No. 2 has rightly been acquitted by the learned trial Court. The instant application being completely devoid of any merit is, therefore, dismissed. Special leave to appeal is declined.

(T.P.S. MANN)
JUDGE

(RAMENDRA JAIN)
JUDGE

March 02, 2016

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