

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

CRM-A No.437-MA of 2016 (O&M)

Date of Decision: 28.11.2016

Haryana Financial Corporation Limited

. . . Petitioner

Versus

Bag Singh

. . . Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Vishal Garg, Advocate
for the appellant.

A.B. Chaudhari, J. (Oral)

Heard learned counsel for the petitioner for some time.

Haryana Financial Corporation Limited (HFCL), the petitioner is in appeal against the order of acquittal for the offence under Section 42 of the State Financial Corporation Act.

Learned counsel for the petitioner vehemently contended that the respondent accused has committed offence by transferring the property mortgaged with the corporation.

I have perused the judgment and order of acquittal and also perused the provisions of Section 42 of the Act.

Learned counsel for the petitioner states that under Section 42 of the State Financial Corporation Act, remedy is available with the

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corporation to attach and sale the property for realization of the amount. In my opinion, it is for the corporation to complete those proceedings as per law which is inter-alia a reason given by the trial Court in the order of acquittal. The order of acquittal, therefore, does not suffer from any perversity and the parameters laid down by the Apex Court in the case of **Darshan Singh versus State of Punjab, 2010 Vol.2 Supreme Court Cases 333**, regarding the jurisdiction of the High Court in appeals against acquittal, interference in the order of acquittal is not warranted. In the result, the instant appeal against acquittal is dismissed.

[A.B. CHAUDHARI]
JUDGE

28.11.2016
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Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No