

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-A-510-MA-2016 (O&M)

Date of decision: 18.05.2016

Gurinder Kaur

..... Applicant

Versus

Major Singh

..... Respondent

**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. Sarabjit Singh Khaira, Advocate
for the applicant.

RAMENDRA JAIN, J.

CRM-8878-2016

Heard.

Sufficient cause has been shown to condone the delay in applying for leave to appeal. The application is, therefore, accepted. The delay of 1087 days in applying for leave to appeal is condoned.

CRM-A-510-MA-2016

On a private complaint of the applicant, respondent-Major Singh, who is none else, but her husband was summoned and tried under Sections 467, 468 and 471 of the Indian Penal Code (IPC), on the allegations that a son namely Eknoor Singh had born out of their wedlock

parents, the applicant filed a criminal case against them under Sections 498-A, 406, 506, 323 and 109 IPC which was pending adjudication in the Court of Chief Judicial Magistrate, Gurdaspur. In that case, the respondent had filed a copy of Ration Card in the name of himself, applicant and their son showing his name as Amrinder Singh, though his name was not as such, rather was Eknoor Singh. In that Ration Card respondent had also falsely shown their address of 10/18 Guru Gobind Singh Nagar, Bathinda, because she never lived at the said address. The said Ration Card was got prepared by the respondent fraudulently to cause mental pain and agony as well as harassment to the applicant.

2. On appraisal of evidence, the learned Additional Chief Judicial Magistrate, Gurdaspur did not find himself convinced with the applicant's version and thus, acquitted the respondent vide impugned judgment dated 14.12.2012.

3. Being unsatisfied, the applicant has filed the present application under Section 378(4) Cr.P.C. seeking leave to file the 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 that respondent had attempted to prove a forged and fabricated Ration Card as genuine in a criminal case under Sections 498-A IPC etc. against him.

5. After giving our thoughtful consideration to the submissions made by learned counsel for the applicant, we find no merit in the instant application for the reasons to follow.

6. Ration Card is always issued after spot inspection and

verification of the residence proof. The relations between the applicant and respondent were strained. Various litigations were pending in between them. The applicant in her cross-examination has admitted that though she addressed her son as Eknoor Singh, but her husband-respondent used to call him as Amrinder Singh. From the above admission of the applicant, the disputed Ration Card showing the name of their son as Amrinder Singh is proved as genuine one.

7. More so, the Food and Supply Department must have verified the address given in the Ration Card before issuing the same and thus, by any stretch of imagination, it cannot be said that the same is forged and fabricated one.

8. In view of the above discussion, from any angle the applicant has not been able to prove any of the ingredients of Sections 467, 468 and 471 IPC against the respondent.

9. We have gone through the impugned judgment and found no illegality or perversity in the same.

The instant application, being completely devoid of any merit is dismissed. Leave to appeal is declined.

(T.P.S. MANN)
JUDGE

(RAMENDRA JAIN)
JUDGE

May 18, 2016
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