

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-A-58-MA-2016

DATE OF DECISION: February 26, 2016

Umed Singh

...Applicant

versus

Harphool Singh

...Respondent

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

Present: Mr.J.P.Sharma, Advocate for the applicant.

RAMENDRA JAIN, J.

The present application is moved under Section 378(4) CrPC for grant of leave to appeal against the judgment of acquittal dated 2.12.2015 passed by the learned Judicial Magistrate Ist Class, Narnaul.

To decide the application, the necessary relevant facts are that the applicant levelling various allegations of irregularities, misappropriation of govt. funds, mis-statement of unauthorised occupation of panchayat land, forgery in the

panchayat record with a view to cause wrongful loss to the panchayat funds against the respondent, while working as Sarpanch of village Chillero filed a complaint against him under Sections 420,465,467,471 IPC.

In support of his case, besides himself examining as PW7, the applicant examined PW1 Sarjit, PW2 Lal Chand, PW3 Ranbir Singh, PW4 Kanwar Singh, PW5 Rakesh Kumar and PW6 Dariyao Singh.

After hearing learned counsel for the parties, the trial Court dismissed the complaint acquitting the respondent vide judgment dated 2.12.2015.

Learned counsel for the applicant argued that the impugned judgment of the trial Court is based on surmises and conjectures. There was ample evidence on the record that the respondent while acting as Sarpanch committed various irregularities by preparing inflated bills and making double entries in the labourers record under the MANREGA Scheme. The trial Court has failed to appreciate that the respondent has mis-appropriated the government funds by adopting the aforesaid illegal means.

After giving our thoughtful consideration to the aforesaid submissions, we find that the present application is devoid of any merit for the reasons to follow:

One of the allegation levelled by the applicant against the respondent is that he made material concealment qua his

unauthorised possession over the panchayat land in his nomination form Ex.PW3/A. To prove this fact, he examined PW4 Kanwar Singh, the Retd. Kanungo, who proved demarcation report Ex.PW5/A. The trial Court on appraisal of the said report giving clean chit to the respondent came to the conclusion that the respondent was not in unauthorised possession over the panchayat land and thus had not mis-stated or concealed any fact in his nomination form. This finding on perusal and scanning the impugned judgment does not seem to be illegal.

Another allegation against the respondent was that he mis-appropriated the government funds by passing illegal resolutions Ex.PW5/A and Ex.PW5/B and preparing wrong measurement books Ex.PW5/D to Ex.PW5/H, causing wrongful loss to the State exchequer. PW5 Rakesh Kumar, Panchayat Secretary testified that the aforesaid documents were not prepared by the respondent, rather were prepared by the erstwhile Panchayat Secretary. This witness also testified that cutting in the resolution Ex.PW5/A was attested by its author i.e. Panchayat Secretary. Thus, the applicant has miserably failed to prove any forgery committed by the respondent and mis-appropriation of govt. funds.

In view of the aforesaid discussion, we find no merit in the prayer made in the application under Section 378(4) CrPC for grant of leave to appeal against the judgment of acquittal

dated 2.12.2015 passed by the learned Judicial Magistrate Ist Class, Narnaul and accordingly, it is rejected. Leave to appeal is declined.

(T.P.S.MANN)
JUDGE

(RAMENDRA JAIN)
JUDGE

February 26, 2016
KD