

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-A-2070-MA-2015 (O&M)

Date of decision: 25.04.2016

Mahavir Singh

..... Applicant

Versus

Manphool Singh 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. J.P. Sharma, Advocate
for the applicant.

RAMENDRA JAIN, J.

CRM-42340-2015

Heard.

Sufficient cause has been shown for condonation of delay in applying for leave to appeal. The application is, therefore, accepted. The delay of 275 days in applying for leave to appeal is condoned.

CRM-A-2070-MA-2015

On a private complaint of the applicant, respondent No. 1- Manphool Singh (Sarpanch) was booked and tried for offences under Sections 406, 409, 420, 467, 468, 471, 474, 477-A of the Indian Penal Code (IPC) on the allegations that he as Sarpanch of village Neerpur

committed various irregularities, forgeries, cheating, fraud and embezzlement of public/panchayat funds.

2. Appraisal of evidence led by the applicant could not convince the learned Judicial Magistrate Ist Class, Narnaul and resultantly, he acquitted respondent No. 1 vide impugned judgment dated 20.12.2014.

3. Being aggrieved, the applicant has preferred the instant 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. There was sufficient evidence to record conviction of the respondent No. 1.

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.

(i) None of the documents/receipts relied upon by the application were got legally proved, adhering to the provisions of Indian Evidence Act and, thus, the same have rightly been ignored by the learned Magistrate.

(ii) The main thrust of the applicant in suing respondent No. 1 for the alleged irregularities, forgeries, cheating, fraud etc. was on the basis of report Ex. PW-1/A allegedly given by Additional Deputy Commissioner and show-cause notice dated 30.03.2010 Ex. PW-3/A issued by BDPO-cum-Panchayat Officer. However,

both the said documents were also not got proved by the applicant by examining their author or signatories and, thus, have rightly been ignored by the learned Magistrate, being not admissible in view of Section 74 of the Indian Evidence Act.

6. All the arguments raised by learned counsel for the applicant before us have already been dealt with by the learned trial Court in a legal manner and thus, after going through the impugned judgment, we found no illegality or perversity in the same.

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

(T.P.S. MANN)
JUDGE

(RAMENDRA JAIN)
JUDGE

April 25, 2016

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