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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. A-286-MA of 2014 (O/M)
Date of decision : 23.2.2016

Jagdish Chander ..... Applicant

Versus

Subhash Chander and others ..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Randeep Singh, Advocate, for the applicant.

None for respondents No. 1 and 2.

Mr. M.S. Sidhu, Additional A.G. Haryana,
for respondent No. 3.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

The present application has been filed under Section 378 (4) Cr.P.C for leave to appeal against the judgment of acquittal dated 9.8.2012, passed by the learned Judicial Magistrate 1st Class, Karnal, vide which accused were acquitted of the charges framed against them.

According to the complainant, accused No. 1 was previously living at village Nilokheri, District Karnal, i.e. the village of the complainant and later on, accused No. 1 alongwith accused No. 2 shifted to Jalandhar. According to the complainant, in the first

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week of August, 2005, he was assured by accused No. 1 that he will send his son abroad and can also arrange for the passport from Regional Passport Office, Chandigarh, as he is involved in the business of sending unemployed youth to foreign countries. Therefore, accused No. 1 demanded rupees six lacs from the complainant for the said purpose. The complainant agreed to pay the same. Another amount of rupees ten thousand was also demanded by the accused for the issuance of passport from the Regional Passport Authority, Chandigarh, to that also, the complainant agreed. On 18.8.2005, the whole amount was paid to accused No. 1 and 2. But, neither the passport was got issued nor the visa was obtained.

I have heard the learned counsel for the parties and have also carefully gone through the file.

It is not denied by the learned counsel for the revisionist that the complainant himself is a commission agent. According to him, respondent No. 1 is also a commission agent, with whom a deal for sending his son abroad was struck. It cannot be believed that a commission agent, who deals with so many persons in the regular course of business, will believe the representation of a co-commission agent that he will arrange for the passport from the Regional Passport Officer, Chandigarh, whereas the passport to the person living in village Nilokheri, District Karnal, is not issued by the

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Regional Passport Office, situated in Chandigarh. Then, even without obtaining the passport, the payment of money for the purpose of visa cannot be believed to be made. It is likely that there was some other transaction between the complainant and accused No. 1 and that has been given the colour of payment of money for sending the son of the complainant abroad. The wife (accused No. 2) was roped in saying that at the time of payment, she was with her husband. The lower Court has given cogent reasoning in support of the judgment and there is no illegality or perversity in the same. Hence, the present application, filed under Section 378 (4) Cr.P.C., for leave to appeal is dismissed.

(KULDIP SINGH)
JUDGE

23.2.2016
sjks