

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.A-596-MA of 2014 (O&M)
Date of decision: February 09, 2016

Makhan Singh

...Applicant

Versus

Pushpinder Kaur Majboor and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.A.S.Manaise, Advocate
 for the applicant.

INDERJIT SINGH, J.

Applicant-Makhan Singh has filed this application under Section 378(4) Cr.P.C. seeking permission for leave to appeal against respondents Pushpinder Kaur Majboor and State of Punjab, challenging the impugned judgment dated 18.01.2014 passed by learned Judicial Magistrate Ist Class, Gurdaspur, whereby the accused-respondents were acquitted.

It is mainly stated in the application that accompanying appeal is likely to succeed on the grounds taken therein. It is further stated that impugned judgment dated 18.01.2014 is not based on correct appreciation of evidence and hence is not sustainable in the eyes of law. It is, therefore, prayed that leave to file appeal be granted.

I have heard learned counsel for the applicant and have

gone through the record.

As per the record, the complainant Makhan Singh filed a complaint against accused Pushpinder Kaur Mazboor under Section 500 IPC. As per complainant's version, he is President of 'Bhartiya Ghat Ginti at Dalit Front' circle Dinanagar, Tehsil and District Gurdaspur and the said Dalit Front is the wing of Shiromani Akali Dal (Badal). It is further stated that complainant is owner of M/s Trading Company and is a well known figure in the vicinity area and political circle. It is also stated that there is a Gurudwara in the municipal committee limits of Dinanagar. Accused got committee registered under the Registration Act in concealed manner and made herself life time President of Gurudwara committee and other person was made life time manager. Then the Managing committee of Gurudwara Singh Sabha was formed and it elected 7 members governing body and complainant was unanimously elected as President of the committee. It is the allegation that the accused in connivance with other accused with an aim to defame the complainant got published a false news in the Punjabi Paper Daily Ajit, Jalandhar on 29.10.2007 edition under the head as 'Akhand Path Di Larri Bhang Karan Wali Committee Ton Sewa Di Umid Nahi (Bibi Mazboor). In this news item, allegations are levelled against the complainant etc. regarding breaking locks of Gurudwara Sahib Golk (safe) and putting new locks on the safe.

After appreciating the evidence, learned Judicial Magistrate Ist Class, Gurdaspur, acquitted the accused-respondent vide impugned judgment dated 18.01.2014.

From the perusal of the impugned judgment dated 18.01.2014 passed by learned JMIC, Gurdaspur, I find that evidence has been appreciated in right perspective. Nothing has been argued as to how the findings given by the Court below are perverse or against the law. Nothing has been pointed out as to which material evidence has been misread or which material evidence has not been considered by the Court.

One of the ingredient of Section 500 IPC is that there must be publication of the defamatory material. In the present case, report in the newspaper has not been proved by leading cogent evidence as per law. No official from the office of the newspaper has been called to prove the publication of the news. The news item has been marked document and has not been proved as per law. It is admitted at the time of arguments that news paper is a marked document only and has not been exhibited and no official has been examined from the office of the concerned newspaper. As the news report has not been proved as per law, therefore, publication of defamatory material is not proved.

In view of the above discussion, I find that the findings given by learned JMIC, Gurdaspur, are correct, as per evidence and law. In no way, the findings given by learned Court below, can be held as perverse. The impugned judgment dated 18.01.2014 passed by learned JMIC, Gurdaspur, is correct, as per law and evidence and does not require any interference from this Court.

Keeping in view above facts and circumstances, I find that

no ground is made out to grant permission for leave to appeal and therefore, the present application stands dismissed.

February 09, 2016
Vgulati

(INDERJIT SINGH)
JUDGE