

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM M-27464 of 2013

Date of decision : 16.03.2016

Om Parkash

....Petitioner

V/s

State of Haryana & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Rajesh Lamba, Advocate for the petitioner.

Mr. Sushil Gautam, DAG Haryana.

RAJAN GUPTA J.

Petitioner has impugned order dated 20.05.2013 (Annexure P-2) passed by Judicial Magistrate First Class, Charkhi Dadri. Contention raised before this court is that no wrongful loss has been caused to respondent at the hands of the petitioner nor any dishonest inducement has been made so that respondent no. 2 would deliver any property or alter or destroy any part of valuable security. Thus, ingredients of offence under section 420 IPC are not made out. Reliance is place on judgment reported as *Md. Ibrahim & ors. vs. State of Bihar & anr. 2009(8) SCC 751*.

Prayer has been opposed by learned State counsel.

Complaint was filed by respondent no. 2 alleging that petitioner obtained the job of Assistant District Attorney on the basis of wrong attestation done by accused ASI Atma Ram. Petitioner committed a fraud by giving a wrong address in his character attestation certificate. Had this not been done, his character could have been verified. It would have come to light

that he was involved in case no. 335 registered at police station Sadar Dadri.

Keeping in view facts and circumstances of the case particularly the contention that ingredients of offence under section 420 IPC are not attracted, I find the order unsustainable. Same is here by set-aside. Matter is remitted to same court for consideration afresh on the basis of preliminary evidence already led. Petitioner shall be at liberty to place reliance on judgment in *Md. Ibrahim's* case (supra) before the court below.

March 16,2016

Ajay

(RAJAN GUPTA)
JUDGE