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

CRM-M-30254 of 2016

Date of decision: August 30, 2016

Dalbir Singh @ Kala

.....Petitioner

Versus

Amrik Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Sharad Mehra, Advocate
for the petitioner.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the petitioner.

This is a revision petition for quashing of order rejecting the application under Section 195-B(1) read with Section 340 of Code of Criminal Procedure, 1973.

Learned trial Court has given reasons in Para-10 for rejection based on the judgment of Apex Court. I quote the said Para here under:-

“10. Section 340 Cr. P.C. deals with provisions as to offence affecting administration of justice. It is to be read along with section 195 Cr. P.C. Further in order to have more clarity on Section 340 Cr. P.C. reference can be made to noted authority of Hon'ble Supreme Court titled as Iqbal Singh Marwah and another versus Minakshi Marwah and others 2005 AIR (S.C.) 2119 (Constitution Bench) wherein in para no.18 it is particularly mentioned that the language used in Section 340 Cr. P.C. is of such a nature that court is not bound to make a complaint regarding commission of an offence referred to in Section 195 (1)b). It is further mentioned that the Section as conditioned by the words that “*Court is of opinion that it is expedient in the interest of justice this shows that such a*

course will be adopted only if the interest of justice requires and not in every case. Further, it is mentioned that it is possible that such forged documents or forgery may cause a very serious or substantial injury to a person in the sense it may deprive him of a valuable property or status or the like to such document may be just a piece of document or given in Court and the effect of such piece of evidence upon the broad concept of administration of justice may be minimal. So, a mandate is given that the effect of evidence or document given in evidence is to be seen.” So, before proceeding further this Court would like to add that it was onerous upon applicant to prove this fact that what irreparable loss has been accrued in favour of deposing respondent or other respondent or other respondent. The said aspect is remained unproved. Further, a judicial notice can be taken that already the civil suit in question in which respondent no.1 is stated to have deposed has already been decided and the witness in question namely Amrik Singh does not materially affect the merits of case.”

In view of the above reasoning, I find no merit in the present petition.

Hence, the petition stands dismissed.

(A.B. CHAUDHARI)
JUDGE

August 30, 2016

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No