

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-367 of 2016 (O&M)
Date of decision: January 08, 2016

Ramesh Chanderpal @ Ramesh Chandra Pal

...Petitioner

Versus

Inspector Gurmukh Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.H.K.Aurora, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for setting aside the judgment dated 23.10.2015 passed by learned Sessions Judge, Chandigarh, whereby the judgment dated 29.10.2014 passed by learned Judicial Magistrate Ist Class, Chandigarh has been partly set aside.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that FIR in the present case has been registered under Sections 380, 457 and 411 IPC at Police Station Sector-11, Chandigarh, on the statement of Principal, Chandigarh College of Architecture to the effect that Sh.Shiv Ram, Chowkidar has reported in the office on 06.02.2012 that the lock of room adjoining studio for students in old cycle stand has been broken

and seven heritage wooden chairs (broken) have been found missing.

Learned JMIC, Chandigarh, after appreciating the evidence, acquitted the accused and further, after giving show cause notice to ASI Gurdial Singh and Inspector Gurmukh Singh, directed U.T. Administration, Chandigarh to pay compensation of ₹1 lac to the accused, which shall be deposited in the Court within a period of one month and gave liberty to U.T. Administration, Chandigarh to recover above amount from the salary of erring police officials.

Inspector Gurmukh Singh SHO filed the revision for setting aside the judgment dated 29.10.2014 regarding direction to pay compensation. Learned Sessions Judge Chandigarh, set aside the judgment dated 29.10.2014 partly and proceedings against revision petitioner (before Sessions Judge) were set aside.

I have gone through the judgments passed by both the Courts below. The judgment dated 29.10.2014 passed by learned JMIC, Chandigarh, qua compensation to be paid to the accused is not as per law. If there is any lapse in the investigation for not getting identified the chairs etc. as to whether those are same heritage chairs, the compensation cannot be imposed. Learned Sessions Judge, Chandigarh in the judgment dated 23.10.2015 has correctly set aside the judgment dated 29.10.2014 partly and held that in case the accused is acquitted on some technical grounds, the concerned police official/investigating agency cannot be held liable to compensate the accused. Learned Sessions Judge has rightly observed that the trial Court has travelled beyond the jurisdiction as provided under Section

358 Cr.P.C.

In no way, the judgment dated 23.10.2015 passed by learned Sessions Judge, Chandigarh, can be held as illegal or amounts to miscarriage of justice. The impugned judgment dated 23.10.2015 is correct, as per law and does not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

January 08, 2016
Vgulati

(INDERJIT SINGH)
JUDGE