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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 2481 of 2012 (O/M)
Date of decision : 27.2.2016

Joginder Singh

..... Revisionist

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ashok Bhardwaj, Advocate, for the revisionist.

Mr. A.P.S. Gill, Assistant A.G. Punjab.

Mr. Parvinder Singh, Advocate, for respondent No. 6.

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)

Impugned in the present revision is the judgment dated 7.5.2012, passed by the learned Additional Sessions Judge, SAS Nagar, Mohali, affirming the judgment dated 15.2.2011, passed by the learned Sub Divisional Judicial Magistrate, Kharar, vide which the complaint filed by the present revisionist Joginder Singh was dismissed and two accused, namely, Gurmukh Singh and Shamsher Singh were acquitted of the charges framed against them and the lower Court held that the complaint qua accused No. 2 to 4 is not

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maintainable. Gurmukh Singh is stated to be dead during the pendency of the revision. Therefore, the revision against him stands abated. The present revision is pressed only qua Shamsheer Singh, Halqa Patwari.

I have heard the learned counsel for the revisionist, the learned State counsel, learned counsel for respondent No. 6 and have also carefully gone through the file.

The prosecution story is that the exchange of 4 marlas of land took place between Gurmukh Singh (accused No. 1) as well as Joginder Singh (complainant). The mutation was accordingly sanctioned. Subsequently, Gurmukh Singh sold the said 4 marlas land to one Labh Singh on the basis of copy of jamabandi, issued by Shamsheer Singh, Halqa Patwari. In the Jamabandi, the entry regarding transfer of 4 marlas of land by exchange was not made. It comes out that at the first instance, it cannot be said that the said omission was made intentionally. Therefore, it cannot be said that the Halqa Patwari has committed any criminal offence. It also comes out that on the litigation filed by Joginder Singh, the subsequent sale in favour of Labh Singh has been set aside. Therefore, it was Labh Singh, who was being cheated by issuance of wrong jamabandi and not the complainant. It being so, I am of the view that the lower Court has taken one of the two possible views. Therefore, there is no illegality or perversity in the impugned order.

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Hence, the present revision is dismissed.

(KULDIP SINGH)
JUDGE

27.2.2016
sjks