

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRR No.3607 of 2012 (O&M)

Date of decision: 11.01.2016

Narinder Kumar

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.R.K. Handa, Advocate for the petitioner
Mr.Ashish Sanghi, DAG Punjab

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Impugned in the present revision is the judgment dated 3.8.2012 passed by the learned Additional Sessions Judge, SAS Nagar, affirming the judgment and order dated 17.11.2011, passed by the learned Judicial Magistrate 1st Class, Dera Bassi, vide which the present revisionist was convicted under Section 13-A of the Punjab Village Common Lands (Regulation) Act, 1961 but was released on probation under the Probation of Offenders Act, 1958.

I have heard learned counsel for the parties and have also carefully gone through the file.

It was found by the lower Court that present petitioner is in illegal possession of the land owned by the Gram Panchayat. Before

the appellate Court, the present revisionist filed a copy of the judgment of the civil court. The same was considered and it was held that in the said Civil Suit, injunction has been granted on the basis of possession. It was otherwise the case of the prosecution that the present revisionist has illegally and forcibly occupied the land of Gram panchayat. It comes out that the land adjoins the house of the petitioner. In fact, earlier toilets for the use of the same by the students of the school, adjoining the school were constructed. Later on, as the toilets were in dilapidated condition, in the year 2003 the gram panchayat decided to construct the shops and demolished the toilets. However, the present petitioner removed the wall of the house and annexed the adjoining area in his house which is claimed in the suit to be compound of his house. It also comes out that before the trial Court the accused has not explained as to how he claimed the ownership or title of the disputed site and when and in what manner he acquired the same. In the civil Court, the injunction was granted merely on the basis of possession. There are concurrent findings of two Courts below. There is no ground to interfere in the said findings.

Consequently, the present revision stands dismissed.

11.01.2016
gk

(Kuldip Singh)
Judge