

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRR No.1980 of 2013 (O&M)

Date of decision: 07.01.2016

Prem Kaur

.....Petitioner

versus

Gurcharan Singh

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Kuldeep V. Singh Ahluwalia, Advocate for the petitioner
Mr.Ramneek Vasudeva, Advocate for respondent No.1
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 3.9.2012, passed by the learned Sessions Judge, Rupnagar, upholding the judgment dated 19.2.2011, passed by the learned Judicial Magistrate 1st Class, Ropar, vide which the accused was acquitted of the charges framed against him.

Briefly stated, the allegations are that accused Gurcharan Singh forged the Will dated 26.12.1973 of Balwant Singh by impersonation and forgery. On the basis of the said Will, the property was mutated in favour of the accused. The lower Court held that the charges against the accused are not proved beyond reasonable doubts. Therefore, accused was acquitted. The judgment was

upheld in appeal.

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

It comes out that the civil litigation was also pending. At the time of decision of the civil Court, the judgment of the lower Court had come in favour of the accused, whereby the Will was upheld. This was one of the fact which weighed in the mind of the lower Court. Further, it comes out that Will was a registered document. There were other facts which weighed in the mind of the lower Court as well as the appellate Court. It comes out that before the lower Court, Devindra Prasad, Document Expert (DW7) was examined, who compared the disputed and standard thumb impressions of the deceased and reported that these are of one and the same person. Further the Will is registered document and the scribe and witnesses were examined. It further comes out that Prem Kaur complainant in this case had applied for succession certificate and the same was granted by the civil Court in favour of Gurcharan Singh accused on the basis of the Will. The prosecution is required to prove its case beyond all reasonable doubts and if any doubt comes in the mind of the Court, the accused is to be granted benefit of doubt. In the form of evidence of the expert as well as decision in the succession case, the Courts below were of the view that the forgery of the Will is not proved beyond all reasonable doubts. There are concurrent findings of the two Courts below. Even if the decision of the Civil case, which is now stated to have been decided in favour of the complainant is considered, there are other facts which show that the prosecution had

failed to prove its case beyond all reasonable doubts. Both the Courts below have taken one of the possible views. Therefore, while exercising the revisional powers, this Court cannot interfere in the finding of acquittal.

Hence, the revision is dismissed.

07.01.2016
gk

(Kuldip Singh)
Judge