

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRR No.2243 of 2015 (O&M)

Date of decision: 15.03.2016

Kashmir Singh

.....Petitioner

versus

Vijay Kumar and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Naresh Kumar Manchanda, Advocate for the petitioner

- 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)

Kashmir Singh complainant/ petitioner has impugned the judgment dated 14.11.2014, passed by the learned Additional Sessions Judge-V, Ferozepur, vide which, respondent- Vijay Kumar Patwari as well as Surjit Singh were acquitted by accepting their appeal against the judgment of conviction and order of sentence dated 13.5.2014, passed by the learned Additional Chief Judicial Magistrate, Ferozepur.

In nutshell, Surjit Singh had filed a suit for specific performance, in which relief of possession was not sought. The suit was decreed. The matter was contested upto High Court and the judgment became final.

It is alleged that Vijay Kumar Patwari colluded with the

said Surjit Singh and made an entry in the revenue record, in column No.10 of the mutation as *Kasht Mushtri*. On the basis of the said allegations, Vijay Kumar Patwari as well as Surjit Singh were convicted for commission of offences punishable under Section 465 read with Section 120B of Indian Penal Code.

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

I am of the view that there is no error in the judgment of learned Additional Sessions Judge, Ferozepur. It is not disputed that in pursuance to the decree of the Civil Court, the sale deed was executed in favour of Surjit Singh. It is not claimed that in the judgment, it was held that the possession shall be retained by the present petitioner Kashmir Singh. Therefore, at the most, it is a case of misinterpretation of the judgment and decree and the sale deed by the Patwari. Therefore, said misinterpretation cannot be stretched to hold that the Patwari has committed forgery by making a wrong entry in the revenue record. There is no illegality or infirmity in the impugned judgment and order of learned Additional Chief Judicial Magistrate, Ferozepur.

Hence, the revision is dismissed.

15.03.2016
gk

(Kuldip Singh)
Judge