

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.1366 of 2016 (O&M)
Date of Decision: April 07, 2016

Jagbir Singh

...Petitioner

VERSUS

State of U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.S.S.Mor, Advocate
for the petitioner.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Jagbir Singh against State of U.T. Chandigarh, challenging the impugned judgment of conviction and order of sentence dated 16.07.2012 passed by learned Chief Judicial Magistrate, Chandigarh, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of ₹2000/- and in default of payment of fine, to undergo simple imprisonment for a period of one month under Sections 193 and 196 IPC punishable under Section 193 IPC and also challenging the judgment dated 18.03.2016 passed by learned Addl. Sessions Judge, Chandigarh, vide which appeal filed by petitioner was dismissed.

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

From the record, I find that a complaint was filed by this Court through Registrar (Admn.) against Jagbir Singh under Sections 195 IPC and 340 Cr.P.C. The brief facts of the case are that accused filed a petition under Section 13 of the Hindu Marriage Act titled as 'Jagbir Singh vs. Nirmala Devi' before the Court of learned District and Sessions Judge, Sonapat. The petition was allowed and decreed on 01.09.1997. Said judgment was challenged by Smt.Nirmala Devi by way of filing FAO No.129-M of 1997 and in the aforesaid FAO, the application was filed on 22.05.1998 by Nirmala Devi for grant of maintenance pendente lite and litigation expenses. Notice of the application was issued and respondent filed a detailed reply. Nirmala Devi filed affidavit dated 21.09.1998 controverting the allegations of reply and particularly the preliminary objection that she had contracted a second marriage with one person named Rakesh @ Johri and further averred that said person was not even known to her. It was also pleaded that averments regarding her being in employment were totally wrong and concocted. It is also stated that Annexure R1 with the reply was fabricated document for creating hindrance for getting justice for grant of maintenance pendente lite.

After perusing her reply and after recording her statement in the Court, this Court was pleased to order listing of the case on 14.12.1998 for recording the evidence on behalf of the parties and statements of Jai Karan and Rajbir Dalal were recorded by this Court and it was observed that Jai Karan and Jagbir accused produced false documents in an endeavour to defeat the claim filed by Nirmala

Devi for grant of maintenance pendente lite. It was ordered to issue show cause notice to the accused as to why they should not be prosecuted. Jai Karan sought unconditional apology and in his affidavit, admitted that he had not attended the marriage of Anil Kumar with appellant Nirmala Devi and averments made in his affidavit were not intentional and deliberate but were on account of some misunderstanding and misconception. His unconditional apology was accepted by this Court and he was discharged. However, Jagbir Singh, accused was granted an opportunity to prove his plea. He filed affidavit whereby he stated that wrong documents were not filed intentionally and deliberately to defeat the right of maintenance of Nirmala Devi but were filed on account of some misunderstanding and under misconception and tendered unconditional apology but after going through all the documents brought on record i.e. reply dated 15.09.1998, alleged invitation card for remarriage of Nirmala Devi and a fake appointment letter alleged to be issued to Nirmala Devi by Spots Sainik School, this Court observed that a case was made out for prosecution of Jagbir Singh accused having filed false documents and oral evidence before this Court with intention to defeat the right of maintenance pendente lite and litigation expenses.

Learned JMJC, Chandigarh, after going through the evidence, convicted and sentenced the accused as stated above. An appeal was filed by present petitioner and learned Addl. Sessions Judge, Chandigarh vide judgment dated 18.03.2016 dismissed the appeal.

Aggrieved from the above-said judgments, present revision has been filed.

At the time of arguments, nothing has been argued as to how the findings given by the Courts below are perverse. Nothing has been pointed out as to which material evidence has not been considered or which material evidence has been misread by the Courts below. In the revision petition, this Court is not to re-appreciate the evidence but only to see whether any illegality has been committed by the Courts below or reasonings given by the Courts below are perverse or against the evidence and law.

The perusal of the judgments passed by the Courts below show that the findings given by the Courts below are correct, as per law and do not require any interference from this Court. Keeping in view the nature and gravity of the offence i.e. revision petitioner prepared fabricated documents and placed before this Court in the judicial proceedings, I do not find any ground to take lenient view of reduction of sentence.

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

April 07, 2016
Vgulati

(INDERJIT SINGH)
JUDGE