

**217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRR No.1603 of 2016 (O/M)
Date of decision : June 02, 2016**

Prem Kumar

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. L.M. Gulati, Advocate for the petitioner.

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 ?

-.-

-.-

KULDIP SINGH J. (ORAL)

CRM-13776-2016

There is delay of 16 days in filing the present revision petition.

For the reasons mentioned in the application, delay of 16 days in filing the present revision petition is condoned, subject to all just exception.

Application stands disposed of.

Main Case

The present revision petition is directed against the judgment dated 07.08.2015 passed by learned Judicial Magistrate 1st Class, Rajpura, vide which accused-respondents were acquitted of the charges framed against them for the commission of offences punishable under Sections 420, 379, 452 and 120-B IPC. Also challenged is the judgment dated 02.12.2015 passed by learned Addl. Sessions Judge, Patiala, vide which the appeal against the judgment of learned Judicial Magistrate 1st Class, Rajpura was dismissed.

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

It comes out that there was an agreement to sell between the parties. Earnest money amounting to ₹10, 50,000/- is stated to have been paid. It is contended that as per the agreement, the possession of the shop has been delivered. Therefore, he had kept some articles in that shop. The sale deed was not executed on the date fixed. The complainant further claimed that the accused put a new lock in the shop and took forcible possession. The lower court has taken the view that there is recital in the agreement. There is no proof to the effect that the possession was delivered; and what articles were lying in the shop and what articles were stolen. It is basically a civil dispute. The lower court has given sound reasoning in support of its judgment. The lower court has taken the view on the basis of evidence available on file. The findings were affirmed in appeal. Therefore, this Court does not find any illegality or perversity in the same.

Accordingly, the present revision petition stands dismissed.

(KULDIP SINGH)
JUDGE

June 02, 2016
sarita