

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Revision No.2813 of 2014

.....

Date of decision:30.11.2016

Hardeep Singh

...Petitioner

v.

State of Haryana and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. M.S. Basra, Advocate for the petitioner.

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Inderjit Singh, J.

This criminal revision petition has been filed under Section 401 Cr.P.C. challenging the impugned judgment dated 2.6.2014 passed by learned Sessions Judge, Jind, whereby the appeals filed against the judgment of acquittal dated 23.3.2013 passed by learned Sub Divisional Judicial Magistrate, Safidon, District Jind, acquitting the accused, have been dismissed. Both the Courts below vide these judgments acquitted the accused.

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

From the record, I find that first of all the challan was presented against Shamsher Singh alias Baba and Nirmal Singh along with Charanjeet Singh, who had been declared as proclaimed offender, in FIR No.419 dated 24.12.2007 registered for the offences under Sections 406, 420 and 506 read

with Section 120-B IPC at Police Station Safidon. The brief facts as mentioned in the judgments of the learned trial Court are as under:-

“The prosecution story, in brief, is that on 5.12.2007, a complaint No.2997-P dated 28.11.2007 was received from the office of Superintendent of Police, Jind, which was moved by complainant Rudh Singh against the accused Shamsher Singh. It has been averred by the complainant that he is a resident of Village Malikpur, Tehsil Safidon. The accused Shamsher Singh had taken Rs.10,00,000/- from him on 26.12.2006 for sending his son Hardeep Singh to abroad. The complainant had borrowed said money from his Commission Agent Mange Ram Subhash Chand, Safidon Mandi on interest @ 2.5% per month. The complainant stated that Nirmal Singh son of Amrik Singh had induced him to deliver the money and had assured him that he would arrange for sending complainant's son to America within a period of three months. The complainant stated that the aforesaid accused persons did not send his son to abroad and further demanded a sum of Rs.4,00,000/- from him and stated that till the payment of Rs.4,00,000/- is not made, they will not send complainant's son to America. The complainant stated that due to these reasons, the accused persons did not send his son to abroad and also did not return his Rs.10,00,000/-. A panchayat was also convened in this regard, however, the accused did not come present in the panchayat and

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threatened to kill him as well as his family members. The complainant prayed for initiation of an action against the accused persons.”

As the complainant Rudh Singh died, therefore, he could not be examined during the trial. The learned trial Court further held that the Investigating Officer has also not been examined in this case. Further I find that as per the complainant Rudh Singh's version given in the FIR, accused Shamsher Singh had taken ₹10,00,000/- from him on 26.12.2006 for sending his son Hardeep Singh to abroad and he had borrowed the money from his commission agent on interest @ 2.5% per month. The complainant also stated in the FIR that Nirmal Singh had induced him to deliver the money and had assured him that he would arrange for sending the complainant's son to America within a period of three months. PW-2 Mahender Singh in his statement stated that Rudh Singh had given the money to Nirmal Singh accused. PW-1 Hardeep Singh son of the complainant stated that money was given by them to Shamsher Singh as well as Nirmal Singh. PW-8 Pritam other private witness stated that Rudh Singh had given the money to all the three persons. In cross-examination, he deposed that the entire money was handed over to Nirmal Singh and Shamsher Singh was not present at that time. Then he changed his statement by saying that all the three persons were present. The Court held that all the three material witnesses are discrepant on the material point regarding the payment of the amount as to whom it was paid. The trial Court after discussing the evidence in minute detail found that a reasonable

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doubt exists in the prosecution version and acquitted the accused. Appeals were filed before the Sessions Court. The learned Sessions Judge also dismissed the appeals against the acquittal.

Keeping in view the reasoning given by the Courts below, I find that the reasoning have been given by correctly appreciating the evidence in right perspective as per evidence and law. In no way, the judgments passed by the Courts below can be held as perverse or against the evidence. Nothing has been pointed out as to how the findings are illegal or against the law. Nothing has been pointed out at the time of arguments as to which material evidence has been misread by the Courts below. Nothing has been pointed out as to which material evidence has not been considered by the Courts below.

Therefore, from the above, I find that the judgments passed by the Courts below regarding the acquittal of the accused are correct as per evidence and law and do not require any interference from this Court.

Finding no merit in this criminal revision petition, the same is dismissed.

November 30, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No