

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

**Criminal Revision No.2966 of 2015 (O & M)
Date of Decision:-19.02.2016**

Ranjit Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. K.S. Sidhu, Advocate
for the petitioner.

HARI PAL VERMA J.

CRM No.26134 of 2015

Prayer in this application is for condonation of 62 days delay in filing the present revision petition.

It is averred in the application that the petitioner had approached the counsel alongwith copy of the impugned judgment within the prescribed period of limitation but the counsel has advised him to get all the papers and other documents of the Court below so as to file the instant revision petition. In this manner, the delay has occurred. Neither there is intentional nor deliberate delay.

Heard.

Considering the plea of the petitioner, it seems that there is sufficient cause to file the present revision petition beyond the period of limitation, accordingly, the delay of 62 days in filing the revision petition is condoned.

CRM application is disposed of.

CRR No.2966 of 2015

The petitioner has filed the present revision petition against the judgment dated 7.3.2015 passed by learned Additional Sessions Judge, Bathinda, whereby the appeal challenging the acquittal of respondent No.4-Pardeep Kumar of the charges framed against him under Sections 120-B, 465, 467, 468, 420 and 471 IPC was dismissed as well as against the allowing of appeal filed by respondent No.2-Balbir Singh and respondent No.3-Darshan Singh against their conviction by the trial Court vide judgment dated 5.1.2012.

The trial Court vide judgment dated 5.1.2012 convicted the respondents No.2-Balbir Singh and respondent No.3-Darshan Singh as under :-

	U/Sec	Sentence	Fine	In default of payment of fine to undergo
Balbir Singh	120-B IPC	1 year R.I.	500/-	One month RI
	465 IPC	1 year R.I.	-	-
	471 IPC	6 months R.I.	-	-
Darshan Singh	120-B IPC	1 year R.I.	500/-	One month RI

All the sentences were ordered to run concurrently.

Respondent No.4-Pardeep Kumar was acquitted from the

charges framed against him. Against the judgment dated 5.1.2012 passed by learned Magistrate, respondents No.2 and 3 filed an appeal. Even the complainant also preferred an appeal against acquittal of respondent No.4. The appeal filed by respondents No.2 and 3 was accepted and they were acquitted of the charges framed against them, whereas, appeal filed by Ranjit Singh-complainant, was dismissed by learned Additional Sessions Judge, Bathinda vide judgment dated 7.3.2015. In this manner, the present revision petition has been filed challenging the acquittal of respondents No.2 to 4.

Briefly stated complainant Ranjit Singh, Incharge, Patiala Carrier Registered, Rampura Phul, moved one application No.663/Peshi dated 21.3.2005 to the Superintendent of Police (D), Bathinda for registration of a case against private respondents. As per the complaint, Excise & Taxation Mobile Wing, Chandigarh took the truck No.PB-23-7375 in their possession illegally and fine to the tune of Rs.3,55,425/- was imposed upon the complainant. The complainant filed the statutory appeal before the D.E.T.C. (Appeals) and the fine was reduced to Rs.1,77,713/-, which was deposited by the complainant. Thereafter, the petitioner-complainant filed an appeal against this order before the Tax Tribunal after depositing the amount being a condition precedent. The appeal was decided in his favour in the year 2003 and the Tribunal has passed the order returning the amount of Rs.1,77,713/- to the assessee/complainant. The decision of the Tribunal was not liked by the respondents and all the respondents-accused have hatched a conspiracy. The voucher of payment was given by Karamgiri Clerk and Davinder Singh Sahota to Balbir Singh-respondent No.2, who obtained the same after giving his signatures.

Thereafter, the amount of that voucher was received by accused Balbir singh with the intention to defraud and cheat the complainant through his account in Canara Bank, Phus Mandi Branch. The accused were asked number of times that they have received the payment of voucher by illegal method and have defrauded the complainant but the accused did not pay any heed. On complaint having been made, the inquiry was conducted by the Deputy Superintendent of Police, who submitted his report and on the basis of that inquiry report, the FIR was registered against the accused persons and investigation was carried out. After completion of investigation, challan against respondent Nos.2 to 4 was presented.

As required under Section 207 of the Code of Criminal Procedure, the requisite copies of documents were supplied to the accused persons. Thereafter, charge-sheet was framed against them and trial was conducted.

In order to prove its case, the prosecution has examined PW1 Sukhdev Singh Chahal, SP(D), PW3 Ranjit Singh, PW4 ASI Gurdeep Singh, PW6 Sulakhan Singh Manager, Canara Bank, PW7 Kesar Singh and PW8 Rakesh Kumar Clerk and thereafter the evidence of the prosecution was closed.

Statement of the accused under Section 313 Cr.P.C. was recorded, in which all the incriminating evidence was put to them but the accused denied the same and pleaded their false implication in the case.

The trial Court has convicted the accused Darshan Singh for commission of offence under Section 120-B IPC and accused Balbir Singh for offence punishable under Sections 465, 471 and 120-B IPC

whereas, accused Pardeep Kumar was acquitted from the charges framed against him.

Learned counsel for the petitioner has argued that the Court below has not appreciated the fact that there were minor discrepancies and contradictions, which are bound to occur with the passage of time and has not considered the fact that the private respondents have used forged and fabricated documents and have caused wrongful loss to the complainant.

Heard.

The scope of revisional jurisdiction is vested with limited powers. Hon'ble Apex Court in ***Johar and others Versus M/s Mangal Prasad and another, 2008(3) SCC 423*** while dealing with the scope of revisional jurisdiction, has observed as under:-

“17. The approach of the High Court to the entire case cannot be appreciated. The High Court should have kept in mind that while exercising its revisional jurisdiction under section 397 and 401 of the Code of Criminal Procedure, it exercises a limited power. Its jurisdiction to entertain a revision application, although is not barred, but severally restricted, particularly when it arises from a judgment of acquittal.”

It is the allegation of the complainant that accused have filed forged and fabricated documents and caused wrongful loss to him. But the complainant, who was agent of Patiala Carrier has failed to show the manner in which the wrongful loss was caused to him as

neither any authorised person of the Patiala Carrier Registered has come before the Court nor they have proved any material regarding pursuing criminal proceedings against accused Balbir Singh or any other accused. Moreover, it is admitted case that accused Balbir Singh was also working as agent from 1996 to 2006 and Kesar Singh, who was witness in the case was not appeared before the trial Court despite so many opportunities granted to him. PW5-ASI Gurdeep Singh has admitted in his cross-examination that Balbir Singh was agent of Patiala Carrier Registered, Bathinda and he also filed an appeal against the order of Excise and Taxation Department. No relation between Pardeep and Balbir Singh was established to show that he deliberately helped them in opening the account and, therefore, the Appellate Court has dismissed the appeal of the complainant qua accused Pardeep, whereas accepted the appeal preferred by accused Balbir Singh and Darshan Singh.

In this manner, there is no illegality in the judgment dated 7.3.2015 passed by learned Additional Sessions Judge, Bathinda.

The present revision petition is dismissed.

February 19, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE