

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

**CRR No.2898 of 2016 (O&M)
Date of Decision: August 19, 2016**

Suresh and others

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sandeep Kotla, Advocate
for the petitioners.

INDERJIT SINGH, J.

The present revision has been filed by the petitioners Suresh, Sunil, Ramphal and Murti under Section 401 Cr.P.C. against respondents State of Haryana and Saroj, challenging the impugned judgment of conviction dated 11.06.2014 and order of sentence dated 12.06.2014 passed by learned Judicial Magistrate Ist Class, Rohtak, vide which the petitioners were convicted and sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of ₹500/- and in default of payment of fine, to undergo rigorous imprisonment for a period of fifteen days each under Section 419 read with Section 120-B IPC and further to undergo rigorous imprisonment for a period of three years and to pay fine of ₹1000/- and in default of payment of fine, to undergo rigorous imprisonment for a period of one month each under Section 467 read with Section 120-B IPC and also challenging the judgment dated 08.08.2016 passed by learned

Addl. Sessions Judge, Rohtak vide which appeal filed by petitioners was dismissed. All the sentences were ordered to run concurrently.

From the record, I find that complainant Saroj filed a complaint against Ramphal and other accused under Sections 418, 419, 420, 467, 468, 471, 474 and 120-B IPC. The brief facts of the complaint as noted down in the judgment passed by learned JMIC, Rohtak, are as under:-

“The present complaint for taking action against the accused for committing offence punishable under Sections 418,419,420,467,468, 471,474,120-B of IPC was filed on the averments that the mother of complainant namely Smt.Lachmi was owner in possession of 1/5th share in land comprised in Khewat no.150/136 Khatoni No.191 to 194 total measuring 32 Kanal 5 Marlas and land bearing Khewat no.151/137 Khatoni no.195 measuring 20 Kanal. It was next maintained that the mother of complainant died on 13.1.2005 leaving behind four children including complainant, Smt. Anita, Satbir and Dharamvir. Thus, the complainant along with her above sister and brothers inherited the aforesaid share of complainant in equal share. However, the accused hatched a conspiracy and forged the release deed bearing Vasika No.2234 dated 08.02.2006 in favour of accused No.1 to 3 in respect of share of Smt. Lachmi and while Smt. Shanti Devi impersonated as Smt. Lachmi, she was identified as Smt. Lachmi by attesting witness Numberdar Krishan(accused no.6). It was further averred that the release deed was got registered and subsequently produced before accused no.7 who got entered the same for sanctioning the mutation and accused no.8 verified the same and accused no.9 sanctioned the mutation No.1443 dated 20.02.2006 on its basis. It was also submitted that when the said fact regarding execution of the release deed and sanctioning of mutation came to the knowledge of complainant, she made a complaint in Police Station Sample but the police did not take any action against the accused in collusion with them. Hence, the present complaint was filed.”

Learned JMIC, Rohtak, after appreciating the evidence in right perspective, gave the findings that in the present case, two documents are much relevant, these are Ex.CW-1/A and Ex.C2. Ex.CW-1/A is the release deed executed on 08.02.2006 and parties to the release deed are namely

of Ramphal i.e. accused no.1, Ramdhan i.e. accused no.5, Suresh i.e. accused No.2, Sunil i.e. accused no.3 sons of Mahabir and accused Ram Niwas s/o Balmat is a witness on this release deed. It is apparent that land was given in favour of accused namely Ramphal, Suresh, Sunil and accused Murti was having very much knowledge that lady accompanying her in the name of Laxmi is not Laxmi as Murti is real sister of Laxmi, the mother of complainant. The death certificate Ex.C2 clearly shows that Laxmi Devi died on 13.01.2005. Qua accused Ram Niwas,, the complainant not named him nor she has examined any expert witness to prove his signature on the said release deed. The Court further held that mutation Ex.C3 proves that said release deed dated 08.02.2006 was used to get share entered in the name of accused Ramphal, Sunil and Suresh. The release deed dated 08.02.2006 has been executed after death of Laxmi Devi and some other women has impersonated her.

The findings given by learned JMIC, Rohtak, are correct as per law and evidence. Nothing has been pointed out as to which material evidence has been misread and which material evidence has not been considered by the Court below. Nothing has been pointed out as to how the findings given by the Court below are perverse i.e. against the evidence. The findings have been given after correctly appreciating the evidence in right perspective. An appeal has been filed by the petitioners against the findings given by learned JMIC, Rohtak and learned Addl. Sessions Judge, Rohtak, dismissed the appeal vide judgment dated 08.08.2016. This is a revision petition. In the revision petition, this Court is not to re-appreciate the evidence like Court of an appeal. The perusal of the judgments passed

As regarding prayer for reduction of sentence, I find that the sentence awarded by the trial Court, in no way, can be held as excessive. In view of the nature and gravity of the offence, the adequate sentence has been awarded. No interference is required in the sentence awarded by learned Courts below.

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

August 19, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No