

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

1. **CRR No.4204 of 2014 (O&M)**
Date of Decision: February 15, 2016

Tarlochan Singh **Petitioner**

vs.

Naresh Kumar and others **Respondents**

2. **CRM-A-1808-MA of 2014 (O&M)**
Date of Decision: February 15, 2016

Tarlochan Singh **Petitioner**

vs.

Daljit Singh and others **Respondents**

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Jaswinder Singh, Advocate for the petitioner
in CRR No.4204 of 2014 and for the applicant
in CRM-A No.1808-MA of 2014.

Mr. Gurmohan Singh for the respondents
in CRR No.4204 of 2014 and
CRM-A No.1808-MA of 2014.

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the Digest?

Kuldip Singh J.(Oral)

This order of mine shall dispose of CRR No.4204 of 2014
and CRM-A No.1808-MA of 2014, arising out of the same judgment
and order of conviction passed by learned Sub Divisional Judicial
Magistrate, Khanna.

In CRM-A No.1808-MA of 2014, there is delay of 760
days in filing the said application for leave to appeal.

It is stated that the private respondents were acquitted by learned SDJM, Khanna. A criminal appeal was filed before the learned Addl. Sessions Judge, Ludhiana, which was dismissed on 06.09.2014 being not maintainable. After receiving the certified copy of said order, the present application for leave to appeal was filed. Hence, the delay.

For the reasons mentioned in the application, supported by an affidavit, delay of 760 days in filing the application for leave to appeal is condoned.

CRM No.35747 of 2014 in CRM-A No.1808-MA of 2014 stands disposed of.

The facts of the case are that complainant had filed a complaint initially against 12 persons, who are officers of Punjab State Electricity Board as well as police officers, alleging that accused Naresh Kumar, Asstt. Lineman and Daljit Singh, Meter Reader in the Punjab State Electricity Board visited his shop on 09.07.2001, where electric connection No.KC-36/353 is installed and demanded ₹120/- but he did not pay the said amount to them. On the same day, Ashok Kumar, J.E. and Rajesh Kumar, Lineman also came and demanded ₹300/- from the complainant for not disconnecting his connection. The complainant refused to pay the said amount. Accordingly, his electric connection was disconnected on 10.07.2001, inspite of the fact that bills were payable on 18.07.2001. However, the complainant met the concerned S.D.O. and he was allowed to deposit the amount of ₹2,894/- in two

installments but the connection of the complainant remained disconnected from 10.07.2001 to 18.07.2001 without any fault and he suffered monetary loss, loss to reputation and agony. Further, allegations are that accused Nos.1 to 4 removed the electric meter of the complainant and also threatened him. However, when the complainant approached the XEN, on 24.07.2011 said connection was again connected but to fulfill their illegal and unlawful designs, eight accused persons i.e. in addition to abovesaid four accused persons, Karam Chand, President Employees Union, Iqbal Singh, J.E., Mahan Singh, Meter Reader and Om Parkash, all employees of Punjab State Electricity Board again disconnected the electric meter No.KC-36/0354 of the complainant from the main electricity pole. They also took out a procession raising following slogans:

“ Tarlochan Singh murdabad.”

“Tarlochan Singh hai hai”.

According to the complainant, this lowered his reputation in the eyes of his friends and relatives and general public. The lower court summoned accused Nos.1 to 9 under Sections 500, 506 and 120-B IPC. Ultimately, as a result of the trial, three persons, namely, Naresh Kumar, Ashok Kumar and Rajesh Kumar were held guilty for the commission of offence punishable under Section 500 IPC and were admonished in view of the provisions of Section 360(3) Cr.P.C., directing them to tender unconditional apology.

The present petitioner filed appeal before the learned Addl. Sessions Judge, Ludhiana, for enhancement of the sentence

and against the acquittal of the remaining six accused. The same was dismissed vide order dated 06.09.2014, being not maintainable.

Against the said order, the present revision against conviction and application for grant of leave to appeal against the acquittal of remaining six accused has been filed on the ground that the appeal was not maintainable before the first appellate court.

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

The conviction is under Section 500 IPC on the ground that the accused Naresh Kumar, Ashok Kumar and Rajesh Kumar were found involved in the procession, in which some slogans mentioned as above were raised against the petitioner-applicant. The findings of facts have already been recorded by both the courts below and as a revisional Court, this Court cannot interfere in the same. Both the courts below found that only Naresh Kumar, Ashok Kumar and Rajesh Kumar are liable to be convicted for the commission of offence punishable under Section 500 IPC. It appears that on account of complaints and counter complaints between the complainant and the employees of the PSEB, sour relations were developed. When the complainant approached the higher authorities for making complaints, the employees of PSEB took out a procession.

In these circumstances, it cannot be said that the order of the lower court, admonishing the accused is contrary to law.

After going through the file, I am of the view that there is nothing wrong with the order of admonishing the aforesaid three accused and acquitting the remaining six accused. So far as the other complaints of the petitioners are concerned, it comes out from the revision that he has been granted compensation by the various Forums for the said acts of the accused.

Thus, I find no ground to interfere in the impugned order.

Accordingly, the present revision petition as well as the application for grant of leave to appeal stand dismissed.

February 15, 2016
sarita

(KULDIP SINGH)
JUDGE