

CRR No. 8 of 2015

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

Date of decision : September 01, 2016

1. CRR No. 8 of 2015
2. CRR No.94 of 2015

Surinder Singh vs Zile Singh and others

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. AK Kansal, Advocate
for the petitioner.

Ajay Tewari, J (Oral)

CRM Nos.99 of 2015 in CRR No.8 of 2015 and

CRM Nos.1128 of 2015 in CRR No.94 of 2015

For the reasons recorded, these applications are allowed and
delay in filing the revision petitions is condoned.

CRR Nos.8 and 94 of 2015

This order shall dispose of both these revisions petitions.

CRR No.8 of 2015 has been filed challenging the orders
passed by the Courts below acquitting respondents No.1 and 2 under

Sections 468/471 of the IPC, and CRR No.94 of 2015 has been filed

challenging the order dated 10.09.2014 passed by the Sessions Judge Jind vide which the appeal of the private respondents has been accepted and the order dated 24.12.2012 passed by the trial Court convicting them under Section 420 of the IPC has been set aside.

Brief facts are that the petitioner was a conductor and respondents No.1 and 2 were Inspectors in the Haryana Roadways. They both made a complaint against the petitioner of having issued tickets of lesser value and taking more money. As a result of the same, the petitioner was suspended for 20 days. However, subsequently the respondents had to admit that the report had been wrongly made and consequently, the petitioner was reinstated and was exonerated. He thereafter got registered the instant FIR under Sections 420, 468, 471 of the IPC. The trial Court acquitted the private respondents under Sections 468 and 471 of the IPC but convicted them under Section 420 of the IPC. Both the parties carried the matter in appeals. The lower appellate Court upheld the acquittal of the private respondents under Sections 468/471 of the IPC and accepted their appeal against their conviction under Section 420 of the IPC.

The main reason which weighed with the appellate Court was that the petitioner had not been able to satisfactorily prove that wrong report had been made intentionally. Even before me, counsel for

the petitioner has accepted that the petitioner would be able to succeed only if he is able to prove that wrong report had been made intentionally. As regards the motive, he has stated that there was testimony of the petitioner that the bus was going from Chandigarh to Jind and at Kaithal, the private respondents had asked the petitioner to provide them liquor and it was because of his refusal that they had made a wrong report intentionally.

The issue before this Court is whether the petitioner has been able to prove beyond doubt that respondents No.1 and 2 had a motive to implicate him wrongly. On the basis of evidence led, I have not been able to persuade myself that the findings of the lower appellate Court are so perverse so as to warrant interference by this Court in revisional jurisdiction. Consequently, finding no merit in these revision petitions, the same are dismissed.

September 01, 2016
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No