

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.8202 of 2016 (O&M)
Date of Decision: 13.11.2017

Ram Niwas

.....Petitioner

Vs.

Bharat Singh (deceased) through its LRs and Ors.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Parveen Kaushik, Advocate, for the petitioner.

RITU BAHRI, J. (ORAL)

CM No.24710-CII of 2016

For the reasons stated in the application, delay of 98 days in filing the appeal is condoned.

Application stands disposed of.

CR No.8202 of 2016 (O&M)

The petitioner has come in revision against the impugned order dated 13.05.2016 (Annexure P-6) vide which the application submitted by the petitioner for taking legal action against the accused/defendants/respondents for tempering in the main Court case was dismissed.

Learned counsel for the petitioner has referred to the written statement filed at page 35 in para No.4, in which it is stated that the answering defendants were in peaceful possession of the plot in question. Subsequently, the plaintiff had constructed a room in plot No.450 and put his *Bitora* and *Kurdi* in khasra No.449. However, the word plaintiff has been corrected instead of defendant at page 30 and the initials of the counsel were put there. After making such correction, the proceedings under Section 340 Cr.PC. was sought to be inquired by the Court.

Learned trial Court in para-4 of the impugned order has clarified that the work plaintiff was got return inadvertently in place of defendant. It

the written statement the defendants have categorically denied plaintiff's possession over the suit property and pleaded the peaceful possession of the defendants over the same. Hence, while the defendants categorically pleaded the peaceful possession over the property in dispute, it becomes quite obvious that there was no intention of the defendants to admit the constructed rooms of the plaintiff on the spot. Hence, it becomes clear that it was a typographical mistake and the same was corrected afterwards by the defendants and learned counsel for the defendants had also put in initial besides the same. Hence, while the initial of learned counsel for the defendants are there besides the correction made by him and ultimately it would not make any difference to the case of the plaintiff rather it appears to be in consonance with the case of the defendants, the Court below was of the opinion that no prejudice had been caused to any of the parties by such a correction. As far as applicability of Section 340 of Code of Criminal Procedure is concerned bare perusal of this section makes it quite clear that the said provision can be used only in a situation wherein Court was of the of the opinion that it was expedient in the interest of justice that an inquiry should be made into any offence referred to in Clause-B of Sub-Section 1 of Section 195, which appears to had been committed in or in relation to a proceeding in that Court. Hence, the Court had rightly dismissed the application under Section 340 Cr.P.C.

So in the light of the discussion, the orders of the Court below does not reflect any material irregularity or perversity which warranting interference. Hence the present revision stands dismissed.

(RITU BAHRI)
JUDGE

13.11.2017
anil

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>