

CRA-S-1372-SB-2003 (O&M)

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305

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRA-S-1372-SB-2003 (O&M)

Date of decision : 07.07.2017

Ralla Singh and others

... Appellant(s)

Versus

State of Punjab

... Respondent

**CORAM :**        **Hon'ble Mr. Justice Jitendra Chauhan**

**Present :**        Mr. Narinder Singh, Advocate,  
                         for the appellant(s).

Ms. Bhavna Gupta, DAG, Punjab.

**JITENDRA CHAUHAN.J.**

This appeal is directed against the judgment and order dated 19.07.2003 passed by learned Additional Sessions Judge, Mansa vide which the appellants were convicted under Sections 447 and 427 read with Section 149 of the Indian Penal Code (for short "IPC") and sentenced to undergo RI for 03 months.

Briefly stated the case of the prosecution as noticed in the judgment passed by the trial Court is as under:-

*"Case of the prosecution in brief is that Siri Ram complainant was in possession of land measuring about 5 killas, from the Management of Khalsa High School, Mansa in an open auction for a sum of Rs.25,000/-, on 03.04.1998 and that land was auctioned by Shri Dalip Singh Advocate etc. That land was re-auctioned on 10.08.1998 by Maghar Singh, Jagraj Singh Fauji accused and Baldev Singh Khalsa etc. in the presence of SDM and the police. Santa Singh and Harbans Singh were the last bidders in that auction and they took this land on lease for a sum of Rs.50,000/-. He filed a civil suit for permanent injunction and obtained a stay order*

*from the court of Sub Judge First Class, Mansa against the said person. In spite of stay order, on 28.05.1998 at about 2.00 p.m. Maghar Singh Jagraj Singh, Ralla Singh, Uggar Singh and Hansa Singh accused alongwith 20 persons more forcibly and illegally entered the fields in possession of the complainant, alongwith two tractors. One tractor was being driven by Ralla Singh accused and the other tractor by a person with muffled face and they destroyed the vegetables. Maghar Singh accused asked Jagraj Singh Fauji accused that the residential hut of the complainant, situated in the field should be set ablaze. In the hut the domestic articles including cot, beds as well as wheat and seeds etc. of the complainant were lying which were destroyed in the fire and as a result of these acts of the accused persons the complainant suffered a loss of Rs.20,000/- and as a result of destroying the standing sown vegetables in the fields he suffered a loss of Rs.30,000/- and his hut was also burnt”*

On the presentation of challan, copies of documents as required under Section 207 Cr.P.C were supplied to the accused free of cost.

Charge under Sections 447, 427 and 436 read with Section 149 of the IPC was framed against all the accused to which they pleaded not guilty and claimed trial.

In order to prove, its case, the prosecution examined PW1-Siri Ram (complainant), PW2-Radha Sham, PW3-SI Yadwinder Singh, PW4-HC Yadwinder Singh, PW5-SI Surj Bhan, PW6-SI Sher Singh and thereafter closed its evidence.

The statement of accused were recorded under Section 313 Cr.P.C in which all the incriminating circumstances appearing in the prosecution evidence were put to the accused which the accused denied and pleaded false implication.

No evidence in defence was led by the accused.

After appraisal of the evidence, the trial Court vide

impugned judgment and order dated 19.07.2003, convicted and sentenced all the accused as narrated above.

Feeling aggrieved against the judgment and order dated 19.07.2003, passed by the trial Court, all the accused have filed the instant appeal.

It is pertinent to mention here that vide order dated 05.08.2015, the instant appeal stands already abated qua appellant No.1-Ralla Singh @ Ranjit Singh son of Nahar Singh and appellant No.5-Hans Raj son of Puran Chand.

Learned counsel for the appellants contends that the appellants have been falsely implicated in the instant case by the complainant, who was under the influence of the earlier management committee. No article as alleged was destroyed in the alleged fire. Civil suit with regard to the land in question was already pending between the two managements. Learned counsel further states that in the event of dismissal of the appeal on merits, a lenient view may be taken in the matter of sentence.

On the other hand, learned State counsel submits that despite the knowledge of the fact that stay was operating against the accused-appellants, they entered into the fields which were under possession of the complainant and destroying the vegetable crop.

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

From the perusal of the record, it is clear that as on the date of occurrence, the complainant was in possession of the land in dispute. A

civil suit was pending between the parties and the order of stay was operating in favour of the complainant and against the appellant. Despite having knowledge of the above fact, the appellants entered into the fields and destroyed the crop. The ocular and documentary evidence available on record are sufficient to bring home guilt against the appellant.

However, the value of vegetables allegedly destroyed is not on record. The parties are drawn from the poorest section of the society and not involved in any other FIR. Two of the appellants have since died. The incident took place on 28.05.1998 and the appellants have suffered the agony of protracted trial since then. Therefore, this Court feels that the ends of justice would be better served if the complainant is compensated for the loss suffered instead of sending the appellants behind bars at this stage. As per the record, the appellants remained on bail throughout and did not misuse the concession granted to them.

Accordingly, while maintaining the judgment of conviction, the order of sentence is modified to the extent that the appellants are directed to pay fine only @ Rs.5,000/- each, within a period of two months from the date of receipt of certified copy of this judgment, failing which, the instant appeal shall be deemed to have been dismissed, without further notice.

Disposed of.

**July 07, 2017**

vanita/atulsethi

**(JITENDRA CHAUHAN)**  
**JUDGE**

|                                    |               |
|------------------------------------|---------------|
| <b>Whether speaking/reasoned :</b> | <b>Yes/No</b> |
| <b>Whether reportable :</b>        | <b>Yes/No</b> |