

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

210

CRM-A-460-MA-2014

Date of decision: 31.07.2017

Amar Nath

....APPLICANT

VERSUS

Parshotam Singh @ Baiji and another

....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE M. M.S.BEDI
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Mr. M.K.Singla, Advocate,
for the applicant.

Mr. Gurinder Singh Dhillon, Advocate,
for the respondent.

M.M.S.BEDI (ORAL)

The present application under Section 378 (4) Cr. P.C. for leave to appeal has been filed against the order of acquittal passed in a criminal complaint filed by the applicant against the respondents. The respondents were tried on the charge of having produced a forged receipt in the Civil Court by committing forgery in connivance with each other.

The broad allegations against the respondents were that they had hatched a criminal conspiracy with each other to cheat the applicant-complainant by making alteration and addition of digit '1' in the amount of rent receipts of Rs. 2500/-, Rs. 7,000/- and Rs. 9,000/- for the months of December, 2007, April, 2008 and June, 2008 respectively with an intention

to cause wrongful loss to the complainant.

It is an admitted fact that the allegation against the respondents is that a forged document has been produced in Civil Suit titled as Gurchet Kaur vs. Amarnath by the accused-respondents Gurchet Kaur and Parshotam Singh. It is also an admitted fact that no application has been moved before the said Court for launching proceedings in accordance with law against the respondents for producing forged documents in the Court warranting conviction under Section 471 IPC.

The trial Court, while appreciating the evidence, has relied upon the provisions of Section 195 Cr. P.C. which envisage that no Court shall take cognizance of the offences under Sections 463, 471, 475 or 476 IPC when the offence is alleged to have been committed in respect of document produced or given in evidence in a proceeding in any Court. The complaint of the complainant has been held to be barred under Section 195 (1) (b) (ii) Cr. P.C.

Counsel for the applicant has admitted that the tenant-respondents have vacated the premises and no observation has been made by any Court regarding forged documents having been produced in Court.

In view of the said circumstances, we do not find any illegality having been committed by the trial Court in dismissing the complaint as apparently neither any wrongful loss has been caused to the complainant-applicant nor there has been any wrongful gain achieved by the accused-respondents on the basis of the alleged forged documents. We do not find any ground to arrive at different conclusions on re-appreciation of evidence and to convert the well-reasoned order of acquittal passed by the trial Court into a judgment of conviction.

We do not find any ground to grant leave to appeal. The application for grant of leave to appeal is, therefore, dismissed.

(M.M.S.BEDI)
JUDGE

July 31, 2017
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No