IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. A-738-MA of 2014
Date of Decision : November 16, 2017

Union Territory of Chandigarh ....Applicant

VERSUS

Gurmukh Singh and others .....Respondents

CORAM : HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. Amarjit Singh Virk, Additional Public Prosecutor for U.T., Chandigarh.

T.P.S. MANN, J.

Union Territory of Chandigarh has filed the present application under Section 378(3) of the Code of Criminal Procedure, 1973 for the grant of leave to appeal against the judgment dated 31.10.2013 passed by the Judge, Special Court, Chandigarh in Sessions Case No.1/2002 arising out of FIR No.3 dated 20.8.1996 under Sections 420, 467, 468, 471, 120-B IPC and Sections 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988, Police Station Vigilance, Chandigarh.

According to the prosecution, in the registration files of three vehicles, i.e. CH-01-Q-0078, CH-01-Q-0277 and CH-01-Q-1934, the road tax vouchers were forged and no road tax was, in fact, deposited.

Gurmukh Singh accused took the stand that he was posted as Registration Clerk on 14.8.1996 and did not deal with the files involved in the challan. Meet Singh accused stated that he took over as Branch Incharge on 31.5.1996 and was not involved in any irregularity. D.S. Sekhon accused took the stand that the registration certificates did not bear his signatures and at the relevant time, he was posted as Secretary to Advisor. PW5 Mohd. Akram was to depose about posting of Meet Singh and Gurmukh Singh on 30.5.1996 and 2.9.1994, respectively. However, he did not bring on record the posting orders of the two accused. Similar is the position with regard to the posting orders of D.S. Sekhon, Meet Singh and Gurmukh Singh, which were sought to be proved by PW11 DSP P.L. Chauhan but those posting orders are also not on the record. Even no attempt was made for getting the signatures of accused D.S. Sekhon compared with those appearing on the registration certificates and under these circumstances no fault can be found with the findings arrived at by the trial Court acquitting Gurmukh Singh, Meet Singh and D.S. Sekhon accused of the charges against them.

Rajesh Kumar @ Palli and Bhim Singh accused were allegedly operating as illegal agents and dishonestly inducing the owners of the vehicles to deliver to them the road tax for issuance of registration certificates. PW15 Kanta Grewal did not state anything regarding Rajesh Kumar accused. It was only stated that the finance company got registration of her certificate prepared from the registering authority. PW6 Navjeevan did not name or identify to whom he had paid the road tax alongwith the commission for getting the work done. As such, even the acquittal of Rajesh Kumar and Bhim Singh is not required to be interfered with.

Resultantly, the application is without any merit and, therefore, dismissed. Leave to appeal is declined.

(T.P.S. MANN)
JUDGE

November 16, 2017 **(MAHABIR SINGH SINDHU)**
satish **JUDGE**

Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO