

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. A-747-MA of 2014

Date of Decision : November 16, 2017

Union Territory of Chandigarh

....Applicant

VERSUS

Rajesh Kumar 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.

The 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.2/2002 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, the relevant files regarding registration of three vehicles, i.e. CH-01-Q-4573, CH-01-Q-4794 and CH-01-Q-4058 were incomplete. Challan Form Ex.P7 did not bear signatures of depositor; Form Nos.20 and 21, chassis print and copy of insurance were missing from the file of vehicle No.CH-01-Q-4058; Forms No.20 and 21 were missing from registration file of vehicle No.CH-01-Q-4794 and chassis print was missing from registration file of

vehicle No.CH-01-Q-4573.

After hearing learned Additional Public Prosecutor for U.T., Chandigarh and on going through the impugned judgment, this Court finds that the relevant registration files of the aforementioned vehicles which were said to have been taken into possession by PW12 Rajinder Singh, have not been brought on record. So much so his examination-in-chief was never recorded. Parminder and Jagpal Ram, the other two witnesses of the recovery memo were also not examined.

PW4 Natha Singh, who stated about files regarding registration of the aforementioned vehicles, was the previous Branch Incharge and was initially cited as an accused. Later on, he was got discharged from the case. Therefore, D.S. Sekhon, Meet Singh and Gurmukh Singh accused can very well plead that they were made scapegoat only to cover the misdeeds of PW4 Natha Singh. Further, the evidence available on the record does not show investigation regarding deposit of road tax by the officials of SBI, Treasury Branch. Merely because the Investigating Officer after receiving the letter from the senior officers of the bank did not probe the matter deeper, is not sufficient to hold that road tax regarding the vehicles in question was not deposited. The cashier's scroll/bank scroll were never taken into possession. Even the handwriting on the road tax vouchers was not got compared. There is also no report of SBI, Treasury Branch in respect of the vehicles in question.

The Investigating Officer did not take into possession the registration certificates of the vehicles in question. No attempt was made to obtain the specimen signatures/handwritings of D.S. Sekhon accused. Though the specimen signatures of Gurmukh Singh and Meet Singh accused were taken yet there is no

opinion of Handwriting Expert with regard to their signatures. Therefore, the questioned handwritings on the files relating to the three vehicles do not get connected with D.S. Sekhon, Gurmukh Singh and Meet Singh accused. As regards the questioned handwriting on the file covers relating to Gurmukh Singh accused, it does not prove commission of crime by him. No specimen signatures/handwritings of Rajinder Singh, Rajesh Kumar and Paramjit Singh accused were taken during the investigation to connect them with the registration files. Thus, there is no evidence available on the record to connect them with the commission of the crime.

In view of the above, no case is made out for any interference in the impugned judgment of acquittal.

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

(T.P.S. MANN)
JUDGE

November 16, 2017
satish

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO