IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. A-751-MA of 2014
Date of Decision : November 16, 2017

Union Territory of Chandigarh ....Applicant

VERSUS

Gurmukh Singh .....Respondent

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 1.11.2013 passed by the Judge, Special Court, Chandigarh in Sessions Case No.5/2002 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 registration files and road tax vouchers of three vehicles, i.e. CH-01-Q-5067, CH-01-Q-5080 and CH-01-Q-5095 were forged by the agents, namely, Devinder Singh Puri and Yashpal Gupta operating illegally in connivance and in conspiracy with Registration Clerk Gurmukh Singh accused.

It may be mentioned here that Yashpal Gupta accused died during the trial and, accordingly, proceedings against him were dropped. Further, Devinder Singh Puri accused was discharged as the registration fee in respect of vehicle No.CH01-Q-5067 was deposited on 31.7.1996 and registration number issued in favour of registered owner on 19.9.1996. As such, the question now arises about registration files of the other two vehicles.

The registration certificates of vehicles No.CH-01-Q-5095 and CH-01-Q-5080 were never taken into possession by the Investigating Officer. Even the computerized copy did not bear the signatures of any authority. There is no evidence on the record as to why the original registration certificates issued to the owners were not taken into possession. Gurmukh Singh accused allegedly dealt with files of vehicles No.CH-01-Q-5095 and CH-01-Q-5080 by issuing registration numbers, putting his signatures, seal and stamp of RTO, Chandigarh alongwith signatures of the registering authority. However, there is no opinion of the Handwriting Expert with regard to the comparison of the signatures. According to Gurmukh Singh accused, it was in discharge of his duties that he raised objection about road tax on the registration file of vehicle No.CH-01-Q-5080. Once he had raised objections as to the road tax in registration file, it cannot be held that he conspired with the unauthorised agents; forged the road tax vouchers; and got issued the registration certificate without payment of road tax.

PW2 Natha Singh did not support the prosecution case in its entirety. Therefore, the prosecution cannot rely upon what PW Natha Singh deposed before the trial Court.

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 **(MAHABIR SINGH SINDHU)**
satish **JUDGE**

Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO