IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. A-769-MA of 2014
Date of Decision : November 16, 2017

Union Territory of Chandigarh

....Applicant

VERSUS

Rajesh Kumar @ Pali 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 1.11.2013 passed by the Judge, Special Court, Chandigarh in Sessions Case No.6/2002 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-5197, CH-01-Q-7786 and CH-01-P-7967, the road tax vouchers were forged by the agents, namely, Jatinder Kumar (since a proclaimed offender) and Paramjit Singh @ Pamma operating illegally in collusion with Rajesh Kumar, owner of vehicle No.CH-01-Q-7786, Gurmukh Singh, Registration Clerk, Meet Singh, Branch Incharge and D.S. Sekhon, Registering Authority.

The stand of Gurmukh Singh accused was that he was posted as Registration Clerk on 14.8.1996 and did not deal with the files involved in the challan. Similalry, Meet Singh stated that he took over as Branch Incharge on 31.5.1996 and was not involved in any irregularities. D.S. Sekhon, Registering Authority stated that the relevant registration certificates did not bear his signatures and at the relevant time, he was posted as Secretary to Advisor. PW11 DSP P.L. Chauhan deposed that he moved an application before the Deputy Commissioner, Estate Office, Chandigarh regarding their posting orders but the said posting orders are not on the record. Even otherwise not a single registration certificate of the vehicles involved was taken into possession by the Investigating Officer for comparison of signatures on those certificates with that of D.S. Sekhon accused. The questioned signatures as available on the registration files of the three vehicles were sent for comparison with those of Gurmukh Singh and Meet Singh accused. However, questioned handwriting Q-55 in respect of vehicle No. CH-01-P-7967 and questioned handwriting Q-52 in respect of vehicle No.CH-01-Q-5197 were found to match with the specimen signatures of Gurmukh Singh accused. At the same time, it was Gurmukh Singh accused himself who had raised objection on the file cover and, thus, his act was in discharge of his duties and, therefore, it did not prove the commission of crime by him.

The evidence on record does not show that investigation was conducted regarding deposit of road tax by the officials of SBI, Treasury Branch. The Investigating Officer merely proceeded on the letters written by senior officers of the bank that tax was not deposited. The cashier's scroll/bank's scrolls were never taken into possession. The handwriting of the road tax vouchers were never got compared. PW7 Natha Singh, who was previously Branch Incharge was initially cited as an accused in the case, arrested and, later on, got discharged. Therefore, possibility cannot be ruled out of D.S. Sekhon, Gurmukh Singh and Meet Singh accused being made scapegoats only to cover the misdeeds of PW7 Natha Singh.

Paramjit Singh accused was not identified by PW20 Narinder Singh, owner of vehicle No.CH-01-P-7967. Even otherwise no specimen signatures/handwriting of Paramjit Singh @ Pamma and Rajesh Kumar @ Palli accused were obtained to connect them with the registration files and the alleged forgery.

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