IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. A-883-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.

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 1.11.2013 passed by the Judge, Special Court, Chandigarh in Sessions Case No.7/2002 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 of two vehicles, i.e. CH-01-Q-8023 and CH-01-Q-5807 were forged by the agents operating illegally, i.e. Jatinder Kumar (since declared a proclaimed offender) and one another agent of IPSA Finance Company, which could not be traced during investigation and the agents in connivance and conspiracy with the Registering Clerk Gurmukh Singh, Branch Manager Meet Singh and Registering Authority D.S. Sekhon got allotted registration numbers and got issued registration certificates without depositing road tax. PW10 Baldev Singh deposed that fee was required for registration of vehicle and for that, stamp was affixed in Treasury where the amount was to be deposited. Thereafter, challan was to be sent to the SBI Treasury Branch where the amount was received and copy of the challan returned to the purchaser of vehicle. The challan papers were to be submitted in the office of Registering Authority for registration.

PW6 Karnail Singh, who was posted as Assistant Treasury Officer in the Central Treasury, Sector 17, Chandigarh, after examining the original record of the aforementioned vehicles, stated that the road tax of the vehicles was shown to have been deposited on 20.12.1995 by Empire Shoes to the tune of Rs.1,950/- and on 30.7.1996 by M/s Monita Leasing to the tune of Rs.530/- but there was no such entry of deposit of road tax in the original register, meaning thereby, the road tax in respect of the two vehicles was never deposited.

The case of D.S. Sekhon was that he did not deal with the files involved in the challan. In the relevant registration certificate his signatures are not reflected. At that time, he was posted as Secretary to the Advisor.

The prosecution did not bring on record the posting orders of D.S. Sekhon, Gurmukh Singh and Meet Singh despite the fact that PW11 DSP P.L. Chauhan had moved application before the Deputy Commissioner, Estate Office, Chandigarh for collecting their posting orders.

Though D.S. Sekhon is said to have issued registration certificates but not a single registration certificate was taken into possession for comparison of questioned signatures with his specimen signatures.

Gurmukh Singh as Clerk of Regional Transport Authority and Meet Singh as Branch Manager, RTA were alleged to have dealt with the files of the two vehicles in question, assigning registration numbers and affixing seal and stamp of RTA, Chandigarh alongwith the stamp of Registering Authority on the basis of forged road tax vouchers. However, the report of Handwriting Expert did not show that handwriting of Gurmukh Singh and Meet Singh tallied with their specimen handwritings. Moreover, not a single registration certificate was taken into possession by the Investigating Officer. Thus, it cannot be held that the accused respondents abused their position as public servants and got issued the registration certificates without ensuring that road tax was deposited.

PW2 Parvinder Singh, who proved the recovery memo Ex.PA regarding files in the present case admitted in his cross-examination that the files of the aforementioned two vehicles were not mentioned in the same. Similarly, PW8 Natha Singh did not support the prosecution case. He could not state as to who had received files. He did not identify the signatures of Meet Singh or Gurmukh Singh on any of the files. He also could not identify the signatures of D.S. Sekhon as the Registering Authority.

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