

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRR-939-2004
Date of decision: 09.11.2017

Jagjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. D.S. Brar, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

H.S. MADAAN, J.

Sub-Divisional Judicial Magistrate, Malout tried petitioner –
Jagjit Singh an accused in FIR No.128 dated 20.08.1994 under Sections
420, 465, 467, 471 IPC registered with Police Station Sadar Malout and
vide judgment and order of sentence dated 20.08.1998 convicted him for
offences under Sections 465, 467 and 471 IPC sentencing him as follows:-

<i>Accused</i>	<i>Under Section</i>	<i>Imprisonment</i>	<i>Fine</i>	<i>In default</i>
Jagjit Singh	465 IPC	One Year	Nil	Nil
	465 IPC	Two and a half years	₹500/-	One month
	471 IPC	One year	Nil	Nil

All the sentences were ordered to run concurrently.

Briefly stated facts of the case as per prosecution version are that Inspector Gian Chand from Vigilance Bureau, Muktsar had received a secret information on 30.08.1994 at about 9:15 a.m. that accused Jagjit Singh then working as Junior Engineer with Rajasthan Canal Sub-Division, Gidderbaha in the office of Chief Engineer S.Y.L. Chandigarh had obtained employment by dishonestly and with mala fide intention producing a forged diploma certificate in the year 1979 alleged to have been issued by Principal of Polytechnic Guru Teg Bahadur (GTB), District Faridkot. Inspector Gian chand accordingly sent ruqa to police Station Sadar on the basis of which formal FIR was recorded. The case was investigated during course of which it came out that accused had taken admission in Central Polytechnic, Chandigarh Sector 26 in July, 1975, he had appeared in the first semester in November, 1975, but got a reappear, then, he got himself migrated to Polytechnic GTB; that he passed the first semester in November, 1975, he passed 6th semester in May, 1978, he cleared the 4th Semester (reappear) in November, 1978 and passed 5th Semester (reappear) in November, 1978, however, he passed 3rd

semester (reappear); in November, 1979 under Roll No.4644 from the said Board and got 546 out of 1000 marks; that the accused had applied for the post of Sectional Officer to the Punjab Subordinate Services Selection Board (in short S.S. Board), Punjab, Chandigarh and his application was received at Sr. No.1583 on 22.06.1979, the basic qualification for appointment was that candidate should be diploma holder in Engineering upto 16.04.1979. In his application the accused had mentioned that he had passed diploma in the year 1978 which was factually wrong; that accused had cleared 3rd semester (reappear) in the year 1979; that he had attached diploma certificate and detailed marks card with the application making mention of the same in the application. He enclosed certified copy of matriculation certificate examination (details marks card), copy of character certificate, copy of 2nd, 3rd, 4th, 5th and 6th semester examinations and some other documents which were allegedly attested by Sh. K.S. Gill, Headmaster, Government High School, Kotli Ablu, Faridkot. During the course of investigation it was found that no Headmaster by the name of Sh. K.S. Gill remained posted in that school in the year 1979; that specific handwriting and signatures of accused were obtained and on comparison it was found that questioned writings and signatures were similar to the specific writing and signatures showing common authorship. The Investigating Officer had recorded statements of various witnesses, took into possession certain documents. On completion of investigation challan against the accused was prepared and filed in the Court of Sub-

Divisional Judicial Magistrate, Muktsar.

On presentation of the challan copies of challan were supplied to the accused free of cost as envisaged under Section 207 Cr.P.C.

Finding a prima facie case under Sections 465, 467, 471 IPC against the accused, he was charge-sheeted accordingly, to which he pleaded not guilty and claimed trial. Subsequently the case was transferred to SDJM, Malout on 09.07.1996.

During the course of prosecution evidence, it examined as many as 14 witnesses as per details below:-

PW-1 Vinod Kumar, Senior Clerk; PW-2 Gurmukh Singh, Senior Division Clerk; PW-3 Madan Lal Chhabra, Senior Division Clerk; PW-4 Shri Harlabh Singh Chahal, SDO; PW-5 Smt. Krishna Devi, Incharge Government Girls Senior Secondary School, Bathinda; PW-6 Manjit Singh retired Superintendent, Canal Department; PW-7 Amarjit Singh Legal Assistant, Government Polytechnic GTB; PW-8 Shri Jaswant Singh, Principal GTB; PW-9 Pritam Singh Johar, Controller Examination Punjab State Board Technical Education; PW-10 C. Sukhdev Singh; PW-11 Inspector Gian Chand; PW-12 Sh. Sukhwinder Singh Tehsildar-cum-Executive Magistrate; PW-13 Sampuran Singh, Dr. Executive Engineer; PW-14 Balwinder Singh, Dy. Director, Document Forensic Science Laboratory, Punjab Chandigarh and then further adjournment to the prosecution was refused, its evidence was closed by Court vide detailed

order.

Statement of accused under Section 313 Cr.P.C. was recorded in which all the incriminating circumstances appearing against the accused was put to him, but he denied the same and pleaded his innocence and false implication in the present case.

During his defence evidence he examined Sh. Gopal Krishan Sharma, Document Expert, Patiala and DW-2 Jaskaran Singh.

The trial Court had formulated following points for determination:-

- i. Whether the accused forged character certificate Ex.P105, forged the attestation of Sh. K.s. Gill, the alleged headmaster of Government High School, Kotli Ablu on the copies of various certificates attached with this application for the post of Junior Engineer, forged Ex.P99 copy of certificate showing passing of third semester in November, 1978?*
- ii. Whether the accused forged certain documents claiming fictitiously having passed the diploma in Engineering for the post of J.E.?*
- iii. Whether the accused fraudulently used as genuine the copies of various certificates knowingly that the said documents were forged?*

After hearing arguments trial Court convicted and sentenced

the accused as detailed above, which left him aggrieved. He had filed an appeal in the Court of Sessions which was dismissed by Additional Sessions Judge Muktsar vide judgment dated 06.04.2004. Now he has knocked at the door of this Court by filing instant revision petition. Notice of which was given to the respondent – State.

I have heard learned counsel for the parties, besides, going through the record and I find that there is no merit in the revision petition. This case basically rests upon documentary evidence and oral evidence is not of much relevance. Now coming to the evidence adduced by the prosecution PW-1 Vinod Kumar testified regarding police taking into possession several documents from him. He had identified signatures of accused on medical fitness certificate, GIS form and on fixed medical option form. To the similar effect is testimony of PW-2 Gurmuksh Singh and PW-3 Madan Lal Chhabra.

PW-4 Harlabh Singh had identified signatures of accused on various documents.

PW-5 Smt. Krishna Devi deposed that from 10.02.1978 to 24.07.1979 and from 28.07.1979 to 06.02.1982 no person by the name of Mr. K.S. Gill remained posted as Headmaster in Government High School, Kotli Ablu.

PW-6 Manjit Singh also testified that various documents had been taken into possession from him by the police including original application submitted by accused along with the copies of certificate, etc.

which was submitted by him to the S.S.Board, Punjab for the job.

PW-7 Amarjit Singh Legal Assistant Polytechnic GTB had deposed that accused had passed examination of 6th semester in May, 1978 proving relevant copies of documents Ex.P13 to Ex.P30.

PW-8 Sh. Jaswant Singh, Principal deposed that accused has appeared as a regular student for taking up the examination in third semester in November, 1976 but failed; he again reappeared for the examination in May 1977, November 1977, May, 1978, November, 1978 and May 1979 but again could not qualify for the same. He has further stated that the accused again appeared for the 3rd in November, 1979 and passed the said examination. He further deposed that till a candidate passes in all the semesters, diploma or character certificate cannot be issued to him.

PW-9 Pritam Singh Johar, Controller Examination, Punjab State Board Technical Education Industrial Training at Chandigarh deposed from the record regarding passing of diploma stating that the accused passed the third semester in November, 1979 and completed his diploma in November, 1979. However, he has also stated that 6th semester was passed by the accused in May 1978. He has added that in the year 1978 the accused has secured 16 marks in Workshop Technology in the third semester. He further deposed that till 29.06.1993 no diploma certificate was issued to the accused.

PW-11 Inspector Gian Chand the Investigating Officer

deposed regarding the investigation conducted by them by proving various documents. PW-10 C.Sukhdev Singh was also associated in the investigation deposed on the same lines.

PW-12 Sh. Sukhwinder Singh, Tehsildar-cum-Executive Magistrate has deposed regarding specific handwriting and signatures of accused being taken in his presence on various sheets.

PW-13 Sh. Sampuran singh, Deputy Executive Engineer had identified handwriting and signatures of the accused on various documents. Whereas PW-14 Balwinder Singh Deputy Director, Documents Forensic Science Laboratory, Punjab, Chandigarh deposed that he compared the questioned handwriting and signatures of the accused with his admitted writings and signatures and submitted his report Ex.PW93 and Ex.P94.

As against that evidence, evidence adduced by the accused in defence is unconvincing. DW-1 Sh. Gopal Krishan Sharma, Document Expert, Patiala a private expert examined by the accused who had deposed that he had compared admitted writing and signatures of accused with the questioned writing finding that their author was same cannot be relied upon. *The accused being his pay-master he obviously had soft corner and favourable inclination towards him. The report by the Government Expert comes out to be much more convincing and worthy of reliance.* Similarly testimony of DW-2 Mr. Jaskaran Singh who claimed to have passed in Civil Engineering from GTB and who had identified signatures

of Sh. K.K. Sharma, Principal on character certificate Ex.D34.

The accused had produced the attested copies purported to have been attested by Mr. K.S. Gill as Headmaster of that school with it being proved that there was no person by the name of Mr. K.S. Gill who worked as Headmaster by the relevant time, *it clearly comes out that the accused had indulged in forgery of documents, since he was beneficiary of the same and he himself had produced such documents. He cannot plead innocence and come up with a straight case that he is not aware of the fact as to who had attested the documents as Mr. K.S. Gill, Headmaster. In view of the deposition of PW-9 Pritam Singh Johar the accused could not possibly have applied for the job on 22.06.1979 claiming that he was diploma holder in Engineering which fact is proved to be factually wrong.*

In view of the overwhelming evidence adduced by the prosecution in support of its case, the prosecution has successfully proved its charge against the accused beyond shadow of reasonable doubt. The judgments passed by Courts below do not suffer from any illegality or infirmity rather it is based upon proper appraisal and proper appreciation of evidence and correct interpretation of law.

Although learned counsel for the revision petitioner raised certain contentions first being that no original certificate was recovered during investigation and only photocopy was produced attested by the person but then there are cogent and convincing documentary evidence brought on file by the prosecution, it stood proved that the accused has

submitted forged documents to get employment. He had not passed the diploma on the date when he had applied for the job and rather he completed it much later. As regards jurisdiction of the Court at Malout, this objection should have been taken at the earliest and now two Courts of competent jurisdiction have given verdicts against the accused. Even otherwise the Court at Malout is found to have jurisdiction. All the necessary ingredients of the offence are shown to be fulfilled and otherwise the revisional jurisdiction of this Court is quite limited while exercising jurisdiction, the Court is not to reappraise the evidence rather only to see that the judgments passed by the Courts below are not perverse or patently illegal or passed ignoring the settled principles of criminal jurisprudence. Nothing of that sort comes out to be there. Therefore, this revision petition is without any merit, the same stands dismissed.

The accused is stated to be on bail granted by this Court as such order granting bail to him stands withdrawn and he is directed to be taken into custody to undergo the remaining sentence. Chief Judicial Magistrate, Muktsar is directed to issue Non-bailable warrant against him so as to get him arrested and then send him to jail to undergo the remaining sentence.

09.11.2017
Gaurav Sorot

(H.S. MADAAN)
JUDGE

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| 1. | Whether reportable? | No |
| 2. | Whether reasoned / speaking? | Yes |