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

CRM-M-37358-2016

Date of Decision : 23.05.2017

GURMEET SINGH

....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM : HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Parijat Gaur, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana
for the State/assisted by HC Ramsaran.

AMOL RATTAN SINGH, JUDGE (ORAL)

Learned counsel for the petitioner has pointed to Section 18 of the Haryana Panchayati Raj Act, 1994, from the affidavit of the Deputy Commissioner, filed on the last date of hearing. A perusal thereof shows that if there is any violation of the said provision, i.e. that the records of the Panchayat are not handed over upon demand from the Sarpanch, and a person is found guilty of such offence, then as per sub Section (5) of Section 18, he would be liable to, on conviction, be punished with imprisonment extending up to six months, or with the fine or with both.

As per sub Section (6), the Judicial Magistrate empowered under sub Section (5) would not take cognization of the offence except on a complaint made by the BDPO or such other officer as may be authorized in writing to do so, by the BDPO.

Thus, learned counsel submits that the FIR itself in question

being only one stating to the effect that the petitioner has not handed over

the record of the Panchayat as was with him, at the time that he was a Sarpanch, is not maintainable.

Having considered the aforesaid, with no rebuttal thereto by learned counsel for the respondent, the order dated 27.10.2016 is made absolute on the same terms and conditions.

Disposed of.

(AMOL RATTAN SINGH)
JUDGE

May 23, 2017

ramandeep/rajneesh

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No