

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. 720 of 2011 (O&M)

Date of decision : 28.9.2017

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Shyam Sunder

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. T S Sangha, Senior Advocate with
Mr. J.S. Lalli, Advocate for the petitioner

Mr. D.R. Singla, Deputy Advocate General, Haryana.

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H. S. Madaan, J.

This revision petition is directed against judgment dated 11.3.2011 passed by Additional Sessions Judge, Faridabad, vide which he had dismissed the appeal against judgment and order dated 24.11.2009 and 26.11.2009 passed by Chief Judicial Magistrate, Faridabad, convicting and sentencing accused Shyam Sunder. Vide that very judgment co-accused Raghubir Singh Tanwar had also been convicted and sentenced and his appeal was also dismissed vide impugned judgment. However, since he has expired during pendency of the revision petition, such petition filed by him separately has got abated.

Briefly stated, facts of the case as per prosecution version are

that the Administrator, HUDA, Faridabad, had submitted a written complaint to the SP, Faridabad, contending there in that one A.K. Sharma s/o M.L. Sharma, the then resident of House no. D-1172, Sector 7 Faridabad, was allotted plot bearing No. 1024, Sector 37, Faridabad, vide allotment letter dated 18.2.1974, by Haryana Urban Development Authority (HUDA). The entire price of the plot stood paid. An application dated 26.9.1994 purported to have been moved by A.K. Sharma, for transfer of plot in favour of Shyam Sunder s/o Charan Singh r/o village Chiksoli, Police officer Barsana, District Mathura (UP), which was duly attested by Judicial Magistrate Ist Class and witnessed by Roshan Lal Sharma s/o Kishan Lal r/o 69, Patpadganj Pandav Nagar, New Delhi, as well as C.S. Bhardwaj, Advocate, was received in the office of HUDA on 26.9.1994. Alongwith that application, copy of allotment letter was attached. After holding enquiry, necessary permission to transfer the plot in the name of Shyam Sunder was granted on 28.9.1994 and the plot stood transferred as per request in the application on 3.10.1994; that as per request of Shyam Sunder, the plot was further transferred in favour of Surjeet Singh s/o Veer Bahadur Singh on 25.11.1994 and the said transferee further transferred the plot in joint names of Seema Rajput w/o Ramesh Rajput and Ramesh Rajput. It was so done on 29.5.1995.

However, an application by original allottee A.K. Sharma, addressed to Administrator, HUDA, Faridabad was received on 20.3.1997, inter alia contending that he had never sold the plot to any body and had not submitted any application for transfer of plot in the office of HUDA and that the application so moved was a result of

forgery. On the basis of such written complaint addressed to SP Faridabad, Exhibit PA, formal FIR No. 395 dated 1.4.1997, Exhibit PW 6/C was registered at Police Station Central Faridabad, for offences under Sections 420, 467, 468, 471, 120-B IPC, thereafter the matter was investigated. Accused were arrested in this case. After completion of investigation and other formalities, challan against accused Shyam Sunder and Raghbir Singh was filed in the Court of Chief Judicial Magistrate, Faridabad.

On presentation of challan, copies of documents relied upon therein were supplied to the accused free of cost, as provided under Section 207 Cr.P.C. Then finding a prima facie case, charge for offences under Sections 120-B, 420, 467/120-B, 468/120-B, 471/120-B IPC was framed against accused Shyam Sunder and Raghbir Singh, to which they pleaded not guilty and claimed trial.

During the course of prosecution evidence, the prosecution examined PW-1 S.K. Grover, Assistant Estate officer, HUDA, Faridabad, PW-2 Rattan Lal Rao, Retired Estate Officer, PW-3 Ram Gopal Sharma, PW-4 Rajbir Singh, IHC, Economic Cell, Faridabad, PW-5 ASI Rajender Singh, PW-6 Randhir Singh, retired Inspector, PW-7 Amod Kumar Sharma, PW-8 Ram Kishan, Clerk, PW-9 Kailash, Advocate, PW-10 SI Vijay Singh and PW-11 Ram Gopal, Assistant Ahlmad. Thereafter the prosecution evidence was closed by order.

Statements of accused were recorded under Section 313 Cr.P.C., in which all the incriminating circumstances appearing against the accused were put to them, but they denied the allegations

contending that they are innocent and have been falsely involved in this case. The accused did not lead any evidence in defence.

After hearing the arguments, the trial Court convicted and sentenced both the accused Shyam Sunder and Raghbir Singh as under :-

<i>Under Section</i>	<i>Rigorous imprisonment</i>	<i>Fine</i>	<i>In default of payment of fine, imprisonment for</i>
120-B IPC	2 years	Rs.500/-	RI for one month
420 IPC read with 120-B IPC	2 years	Rs.500/-	RI for one month
467 IPC read with 120-B IPC	3 years	Rs.500/-	RI for one month
468 IPC read with 120-B IPC	3 years	Rs.500/-	RI for one month
471 IPC read with 120-B IPC	3 years	Rs.500/-	RI for one month

All the sentences were ordered to run concurrently.

The judgment and order of conviction and sentence left them aggrieved and they had filed separate appeals, which were dismissed by the Additional Sessions Judge, Faridabad, vide impugned judgment. Feeling dissatisfied with the said judgment passed by the Additional Sessions Judge, Faridabad Shyam Sunder has preferred the present revision petition, notice of which was given to the State.

I have heard learned counsel for the revision petitioner, learned State counsel, besides going through the record and I find that there is no merit in the revision petition.

The scope of revision is quite limited. The Court can interfere only when there is an illegality, infirmity apparent on the face of the judgment and if the judgment passed by the court below is

found to be perverse, ignoring the settled principles of criminal jurisprudence.

In this case the impugned judgment is certainly is not of that type. Of the PWs examined by the prosecution, PW-1 S.K. Grover, Assistant Estate Officer, HUDA, Faridabad, had testified that A.K. Sharma, had made a complaint dated 19.3.1987, based upon which Anand Mohan Sharma, had sent a written intimation Exhibit PA, to the police for registration of the FIR. Although initially, the witness had taken the name of Shyam Sunder having made a complaint, but in the very next lines, he corrected himself stating that it was A.K. Sharma, who had submitted complaint dated 19.3.1987.

PW-2 Rattan Lal Rao, retired Estate Officer, deposed regarding transfer of plot No. 1024, Sector 37, on the basis of documents, adding that all the relevant documents relating to transfer of plot had been examined and there was no objection to such transfer; that dealing Assistant had made a report and after receipt of status report, the plot was transferred; that all the formalities were to be checked by the Assistant and Clerk. He stated that police had enquired from him regarding the matter. This witness not only proved copy of report Exhibit PW-2/A, but identified clerk Raghbir Singh Tanwar, who was present in the Court at that time, besides identifying signatures of Mr. Bhutani and Raghbir Singh Tanwar, at point 'A' on Exhibit PW 2/B.

PW-3 Ram Gopal Sharma had deposed that in the year 1994 that his friend had sent a person from Delhi, who had disclosed his name as A.K. Chopra, representing that he wanted to sell the plot,

and stating that some interested buyer be suggested. According to this witness he had introduced his friend Shyam Sunder to him, who had entered into an agreement for sale of the plot and that A.K. Sharma was a genuine person. Since he did not support the prosecution story, he was declared a hostile witness by the Court at the instance of Public Prosecutor.

PW-4 Rajbir Singh testified that on 3.4.1997 he was posted as IHC in Economic Cell, Faridabad and record in respect of plot No. 1024, Sector 37, Faridabad was seized from A.K. Sharma, vide memo Exhibit PW 4/A, whereas record from HUDA was taken into possession vide memo Exhibit PW 4/B; that specimen signatures of S.K. Grover, Assistant were taken and statement of witnesses were recorded under Section 161 Cr.P.C.

PW-5 ASI Rajender Singh testified that on 23.7.1997 he was posted in Economic Cell and he had arrested accused Raghbir Singh on that date, whereas Shyam Sunder was arrested on 28.7.1997.

PW-6 Randhir Singh, Inspector, retired, deposed that on 1.4.1997 on receipt of application from SP, he had made endorsement Exhibit PW 6/A and sent it to Police Station, which formed basis of registration of FIR No. 295 dated 1.4.1997, with Central Police Station, for offences under Sections 420, 467, 468 and 471 IPC.

PW-7 Amod Kumar Sharma, deposed that in the year 1973 he was working as Works Manager in Universal Electric; that on 5.2.1974, he had applied for a plot in HUDA depositing the money; that plot No. 1024, Sector 37 was allotted to him. He proved copy of statement Exhibit PW 7/A, adding that he remained in House No. D-

1172, Sector 7, Faridabad till 1976 and thereafter he had shifted to Delhi on 17.3.1997; that he had moved an application before Estate Officer, HUDA, expressing his desire to raise construction, such application being Exhibit PW 7/B; that he was informed by HUDA that plot had been sold three times and it was not standing in his name; the witness added that he had neither sold the plot nor given any power of attorney to anybody; that till the year 1997 he had not visited the office of HUDA, as he was busy in his project and that he had not sold the plot to Shyam Sunder and had not signed any document in respect of transfer of plot. He added that his signatures were forged by someone; that on 26.9.1994 someone had forged his signatures and transferred the plot and Rajesh and C S Bhardwaj had appended their signatures as witnesses. As a matter of fact, he does not know any such person and had not met them. The witness stated that in the transfer application his father's name is written as M.L. Sharma, whereas actually the same is R.C. Sharma and his residential address has been wrongly mentioned as House No. 13-169, Pandav Nagar, Patpad Ganj; that as a matter of fact he has never resided there. According to the witness, he had approached the Estate Officer, HUDA, who stated that an enquiry would be conducted and an application for registration of case was sent. The witness proved copy of payment receipt Exhibit PW 7/D and PW 7/E, stating that Shyam Sunder had transferred the plot within seven days of the allotment in his favour to Surjit Singh Bindra.

PW-8 Ram Kishan, Clerk, had produced copy of transfer note Exhibit PW 2/A, stating that it was filled up by him and was put

up before Assistant; that he had not told anything to Assistant in respect of the address. He identified his signatures Exhibit PW 2/A at various places on the documents, stating that he had also identified accused Shyam Sunder, transferee of the plot, stating that he could not identify A.K. Sharma and he had not informed address of A.K. Sharma to Raghubir Singh accused. When the witness stated that he did not say that transfer was not as per HUDA rules, he was declared a hostile witness at the instance of Additional PP.

PW-9 Kailash - Advocate, deposed that on 28.9.1994, Shyam Sunder alongwith two other persons came to his seat and Shyam Sunder told him that one of them was A.K. Sharma, whereas name of other person he did not recollect; that Shyam Sunder and A.K. Sharma had filed indemnity bond in his presence and he had appended his signatures on Exhibits PW 9/A and PW 7/F, as attesting witness.

PW-10 SI Vijay Singh deposed that after receipt of an application in the Police Station on 1.4.1997, he had recorded the formal FIR Exhibit PW 6/C.

PW-11 Ram Gopal, Assistnat Ahlmad, testified that on 4.9.1997, while he was posted as Criminal Ahlmad in the Court of Sh Dharamvir Singh, ACJM, Faridabad, on that day he had recorded statement of C.S. Bhardwaj in the Court, copy of which is Exhibit PW 11/A. He also proved certified copy of Exhibit PW 11/B.

In light of this evidence, observations of the trial Court were as follows:-

“23. After hearing learned APP for the State and

learned defence counsel it is observed that it is admitted fact that earlier plot bearing No. 1024, Sector 37, Faridabad was allotted to Shri A.K. Sharma by HUDA vide letter Ex. PW7/A. It has also come into notice that prior to 1994 A.K. Sharma had never contacted HUDA in respect of knowing about his plot. A.K. Sharma has claimed that when in the year 1997 he approached the HUDA then he came to know that his plot has been fraudulently transferred in the name of Sham Sunder. A.K. Sharma has claimed that he never given any application to HUDA in order to transfer the plot in favour of Sham Sunder. Sham Sunder has claimed that the plot was transferred by A.K.Sharma in his favour and now due to rise in the price of the plot the false complaint was filed by A.K. Sharma. The father name of A.K. Sharma is Shri R.P. Sharma whereas in the application for transfer of plot Ex PW7/E the father's name of A.K. Sharma is written as M.L. Sharma. His residential address is also shown as 169-B, Pandav Nagar, Patpad Ganj, New Delhi, whereas A.K. Sharma is residing at B-28, Gulmarg Park, New Delhi. Earlier A.K. Sharma was residing at D-1172, Sector 7, Faridabad. The above facts make it clear that in the application for transfer of the plot the father's name of A.K. Sharma as well as the address of A.K. Sharma was not mentioned correctly. The

dealing clerk had to check the above mentioned facts before making any noting for transfer of the plot in favour of Sham Sunder. A.K. Sharma had also filed a civil suit against Sham Sunder and vide judgment and decree Ex. PX, the suit filed by A.K. Sharma was decreed and the transfer in favour of Sham Sunder and others was set aside by the civil court. To some extent the judgment of civil court is binding upon the criminal court. In that civil suit A.K. Sharma, Sham Sunder and others were given ample opportunities to produce the evidence and after appraising of the evidence placed on the civil court had decided that A.K. Sharma had never moved application to HUDA in order to transfer the plot in favour of Sham Sunder. Both the accused have not produced any evidence in their defence. Accused Sham sunder also cannot claim that he is bona fide purchaser as A.K. Sharma had never transferred the plot in his favour. Sham Sunder is beneficiary of the transaction and he cannot say that he was not involved in any offence.

24. The facts and circumstances also clearly show the involvement of accused Raghbir Singh, who was posted as Assistant in the office of HUDA at the time of transfer of the plot in favour of Sham Sunder. He was the dealing clerk at that time. He had himself made the noting on Ex. PW2/A that he had gone

through the file carefully and had examined all the relevant documents relating to transfer permission and there is no objection if the permission is granted for transfer of the plot on the basis of documents produced before him. Thereafter Accountant and Assistant Estate Officer had made their initials on the noting. The Estate Officer had also signed the documents of transfer of the plot on the basis of report made by accused Raghbir Singh. Raghbir Singh has also made the same noting on Ex. PW2/B at the back side of the application for transfer of the plot. The above facts make it clear that Raghbir Singh had made the false report on the basis of which the plot was transferred in favour of Sham Sunder. In this way Raghbir Singh has also colluded with accused Sham Sunder and cheated A.K. Sharma. Admittedly, PW8 Ram Kishan was declared hostile by learned APP for the State but to some extent he had admitted the case of the prosecution. He categorically stated that at the relevant time accused was posted as Assistant Dealing Clerk in respect of the transfer of the plot. Later on he tried to help the accused by way of suppressing some material facts. The statement of S.K. Grover, Assistant Estate Officer as well as statement of Rattan Lal Rao, Retired Estate Officer made it clear that plot was transferred in the name of accused Sham Sunder on

the basis of wrong noting of accused Raghbir Singh.

The statement of A.K. Sharma made it clear that he never given any application to HUDA for transfer of the plot in favour of Sham Sunder. Thus the statement of A.K. Sharma also made it clear that he never given any application for transfer of the plot and the plot was transferred in the name of Sham Sunder on the basis of forged and fabricated documents. The statement of Ram Gopal Sharma made it clear that Sham Sunder is the beneficiary of the transaction.”

The trial Court came to the conclusion that the prosecution had successfully proved that both the accused had hatched a criminal conspiracy in order to cheat A.K. Sharma and had forged documents i.e. application Exhibit PW 7/E, affidavits Exhibits PW 7/F, PW 7/G and PW 9/B, as well as noting on Exhibit PW 2/A and PW 2/B and that such documents were forged in order to get the plot of A.K. Sharma transferred in favour of Shyam Sunder, in that way the accused had committed offences under Sections 120-B, 420, 467, 468 and 471 IPC read with Section 120-B IPC. Therefore, they were convicted and sentenced accordingly.

The appellant Court had confirmed the findings so recorded by the trial Court observing that transfer application Exhibit PW 7/E was signed by one C.S. Bhardwaj, Advocate, but unfortunately, C.S. Bhardwaj, Advocate who was one of the conspirators had been discharged, but that discharge does not belittle the role of the appellants-accused Shyam Sunder and Raghbir Singh in commission

of offences. While dealing with the arguments of counsel for the appellant, Raghbir Singh that the plot was allotted in the year 1974 but till 1997 A.K. Sharma in whose name the plot No. 1024, Sector 37, Faridabad was allotted never visited Faridabad to look after his plot, so therefore adverse inference should be drawn against him, the Appellate Court observed that long period of non-handling of plot by its original owner seems to be the reason that the clerical staff i.e. PW-8 Ram Kishan and accused Shyam Sunder might have thought that since original owner was not coming forwards and had not deposited the extension fee for the last so many years, no construction had been raised there, therefore he might have been dead and they must have conspired with deed writer, Advocate, property dealer for transfer of plot in the name of Shyam Sunder and thereafter selling the same to other persons, because if Shyam Sunder had been bona fide purchaser of the plot, then he would not have sold the same after a few days to Surjit Singh. Further observations were made that forgery had been committed by Shyam Sunder in connivance with C.S. Bhardwaj, since in his affidavit Exhibit PW-9/C, he has mentioned that he knows A.K. Sharma, personally, in that way he had identified a wrong person and obtained attestation from ACJM, Faridabad and they also produced affidavit alongwith transfer application before HUDA, which was processed by PW-8 Ram Kishan and accused Shyam Sunder. It has been observed that it was duty of PW-8 Ram Kishan and accused Raghbir Singh, who was Assistant to see that father's name and address of A.K. Sharma on transfer application were the same and if they had detected any

anomaly they could have pointed it out to the higher officers, but they obviously did not do so being hand in glove with Shyam Sunder and wanted to transfer plot in the name of Shyam Sunder to share booty of financial gain, so they intentionally ignored those glaring facts. It has been observed that PW-8 Ram Kishan Clerk should have been arrayed as an accused, but he was cited as a witness. It was Ram Kishan who had processed the transfer application, therefore, it is not a case of negligence, rather it is a case of well hatched conspiracy. One more incriminating circumstance pointed out was that transfer application Exhibit PW 7/E was not accompanied by original allotment letter issued to A.K. Sharma, the original allottee and only photocopy was attached, which was from official record of HUDA. That could be made possible by getting documents from HUDA files. Therefore, collusion of Ram Kishan PW-8 and accused Raghbir Singh with accused Shyam Sunder could not be ruled out. Giving several instances, it has been pointed out that Ram Kishan is not trustworthy, rather he was making statement in the Court to lend a helping hand to his colleague Raghbir Singh Tanwar, which shows his connivance with Raghbir Singh and Shyam Sunder in the entire episode. The Appellate Court has referred to judgment passed by the Civil Court on the subject. Paragraphs No. 21, 22 and 23 in that regard are very relevant, which for ready reference are reproduced as under:-

“21. Perusal of judgment Ex.PX rendered in suit titled A.K. Sharma vs. Sham Sunder and others, decided on 30.5.2008 shows that the application

dated 26.9.1994 for seeking the permission to transfer the plot No. 1024, Sector 37, Faridabad in favour of defendant No.1 alongwith indemnity bonds dated 28.9.1994 and two affidavits of A.K. Sharma dated 28.9.1994 were produced in the court by official of HUDA on 14.12.2007 alongwith the application for purchase of site in urban estate of Faridabad bearing No. 18513 dated 15.2.1974 bearing signatures of plaintiff and those documents were sent to FSL Madhuban for comparison of signatures with admitted signatures of plaintiff put on application dated 15.2.1974 and last page of the plaint of that case. Later on, on the basis of letter received from FSL Madhuban, Passport of A.K. Sharma issued by government of India on dated 9.7.1993 bearing No. P-954511 was sent to FSL Madhuban for comparison. The report of FSL Madhuban was received and that report showed that signatures appearing on the transfer application Ex.PW7/E and affidavits Ex.PW7/F and Ex.PW7/G were not similar to that of signatures appearing on passport and the application moved by A.K. Sharma.

22. So far as plea of learned counsel for the appellant Raghbir Singh is concerned that finding of civil court is not binding on the criminal court is not correct. Reliance of K.G. Premshankar vs. Inspector

of Police and another 2002(4) RCR (Criminal) 596 (SC) is of no avail as in Major Singh vs. State of Punjab 1985 (2) (RCR 415 it has been held that findings of civil court are relevant. So in the wake of the findings of the learned Civil Judge, the authority K.G. Premshankar vs. Inspector of Police and another 2002 (4) RCR (Criminal) 596 (SC) (Supra) is not applicable.

23. So far as plea of learned counsel for the appellant Raghbir Singh is concerned that the learned trial Court ignored the defence plea illegally that A.K. Sharma had executed the papers on the basis of which the plot was transferred in the name of Shyam Sunder, the same does not carry any force. No defence evidence has been led by the accused to show that the plot was sold by PW 7 A.K. Sharma to Shyam Sunder. Also there is no evidence that on transfer application, there were signatures of A.K. Sharma, rather from the evidence placed on record, it becomes clear that forgery had been committed by Shyam Sunder in active connivance of Raghbir Singh Tanwar.”

Further paragraphs No. 27 and 28 lead to the inference drawn by the Court and are relevant and reproduced as under:-

27. As already discussed, findings of learned Civil Judge are explicit that the transfer

application was not moved by real allottee A.K. Sharma, rather that application was forged one. So, commission of offence under Sections 467, 471 by the accused is proved and it also stands proved that Shyam Sunder conspired with Raghbir Singh Assistant in the office of HUDA. Learned trial Court has rightly convicted the accused under Sections 120B, 467, 471 read with Section 120B IPC.

28. So in the opinion of this court, forgery has been committed by Shyam Sunder in connivance with Raghbir Singh Tanwar as well as PW8 Ram Kishan who has not been arrayed as accused and also with C.S. Bhardwaj Adv. who has been discharged by learned trial court. Thus, the act of omission and commission by accused Sham Sunder and Raghbir Singh speak volumes that transfer application Ex.PW7/E, indemnity bond Ex.PW9/A and affidavits Ex.PW7/F and Ex.PW7/G. Ex.PW9/B and Ex.PW9/C were prepared by Shyam Sunder in connivance with Raghbir Singh Tanwar, whereas real allottee i.e. A.K. Sharma had not prepared these documents and never put the same before HUDA authority Faridabad and Sham Sunder used the transfer application as well as copy of allotment letter as genuine documents and these documents were forged with intention to cause

wrongful loss to A.K. Sharma and were prepared to make HUDA authority to transfer the plot of A.K. Sharma in favour of Shyam Sunder who after transfer of plot of A.K. Sharma in his favour transferred the same in favour of Surjit. So commission of offence under Section 467, 471 IPC by the accused is proved and it also stands proved that Shyam Sunder conspired with Raghubir Singh Assistant in the office of HUDA.”

The arguments advanced by learned senior counsel for the petitioner were that charge against the petitioner was not established and he has been convicted on the basis of conjectures and surmises, and further only R.L. Sharma and C.S. Bhardwaj could tell about alleged impersonator. According to him the transfer was genuine one and no element of forgery, fraud or cheating etc. is there but trial Court wrongly came to such conclusion.

However, learned State counsel while defending the impugned judgment has contended that the prosecution had successfully proved its charge against the petitioner, it was the petitioner who was the beneficiary and he had played a crucial role in the episode. His prior meeting of mind with his co-conspirators is clearly proved to be there for the purpose of committing forgery of documents, playing fraud and committing impersonation in pursuance of the conspiracy hatched for the purpose of getting the plot transferred. The judgment passed by the civil court is very clear

in that regard. That judgment is very crucial piece of evidence against the petitioner. Law is well settled that judgment of civil court is binding on the criminal court. The judgment passed by the Additional Sessions Judge, is well reasoned one, based upon proper appreciation of evidence and correct interpretation of law. There is no illegality or infirmity therein, much less apparent on the face of it. Judgment could certainly not said to be perverse having been passed in violation of settled principles of criminal jurisprudence. The prosecution had successfully proved its charge against the accused and no element of doubt arises in the mind about guilt of the accused for the offence for which he has been convicted and sentenced.

Learned counsel for the petitioner in the end, has referred to judgment **Wazir Singh vs. State of Punjab 1982 (2) C.L.R. 437**, by a co-ordinate Bench of the Court, in which benefit of probation had been granted to the accused for offence under Sections 420, 465, 468, 471 IPC. However, considering the facts and circumstances of this case, I do not find it a fit case to grant benefit of probation to the accused- convict/petitioner. Therefore, this authority does not help the petitioner in any way.

There is no merit in the revision petition and the same stands dismissed.

(H.S. Madaan)
Judge

28.9.2017

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Whether speaking / reasoned

Yes/ No

Whether reportable

Yes/ No