

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

CRR No.3546 of 2013 (O&M)
Date of Decision: February 22, 2017

Daljit Kaur Khangura

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Arjun Lakhanpal, Advocate
for the petitioner.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Daljit Kaur against State of Punjab and other respondents, challenging the impugned judgment dated 01.06.2012 passed by learned Judicial Magistrate Ist Class, Ludhiana, vide which accused-respondents were acquitted and also challenging the judgment dated 14.08.2013 passed by learned Addl. Sessions Judge, Ludhiana, vide which appeal filed by petitioner was also dismissed.

From the record, I find that the challan was presented against accused-respondents in case FIR No.132 dated 08.06.2005. The brief facts of the case as noted down in the judgment passed by learned JMJC, Ludhiana, are as under:-

“2. The brief prosecution matrix is that on dated 26.4.2005, one complaint was received from Daljit Kaur wife of Darshan Singh, resident of village Jaipura to the effect that she had

shifted to Canada in 1996 and they are having agricultural land of 47 bighas which is jointly owned by Darshan Singh, Surinder Singh and Bhajan Kaur. The residential house, a truck along with certain dowry articles are in the possession of Surinder Singh and his wife Manjit Kaur. She further stated there is one zypsy No.PB10-E-0585 in the name of his son Harjinder Singh which has been sold by her husband Darshan Singh, brother in law Surinder Singh alongwith one Surjit Singh by forging signatures of her son Harjinder Singh. She further stated that when she asked for her share, she was thrown out of her matrimonial home. On her complaint, the proper inquiry was conducted and the formal FIR was registered against the accused persons u/s 420, 467, 468, 471 and 120-B IPC. Statements of witnesses were recorded. Accused were arrested in this case. After completion of necessary investigation, instant challan against the accused was presented in the court.”

Learned JMIC, Ludhiana, after appreciating the evidence, acquitted the accused-respondents as stated above. An appeal was filed by the petitioner and the same was also dismissed by learned Addl. Sessions Judge, Ludhiana, vide judgment dated 14.08.2013.

Aggrieved from the above-said judgments, present revision petition has been filed.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that the main allegations levelled by the complainant-petitioner are that the Zypsy bearing registration No.PB-10E-0585, owned by her son Harjinder Singh, has been sold by her husband Darshan Singh, Surinder Singh, brother-in-law i.e. brother of Darshan Singh and one Surjit Singh by forging the signatures of Harjinder Singh.

The perusal of the record shows that neither Harjinder Singh has been examined in this case nor his statement under Section 161 Cr.P.C. has been recorded. Secondly, the original affidavit, on the basis of which,

the Zypsy in question has been sold, has not been produced on the record.

Thirdly, the Handwriting and Finger Print Expert has not been examined in this case to prove that signatures on the affidavit are forged one and same has been appended by Surjit Singh.

Furthermore, there is no cogent evidence on the record to show that Surjit Singh impersonated himself as Harjinder Singh. PW-3 Sandeep Makkar, who was working at the Car Bazar, stated during his cross-examination that he does not know Harjinder Singh. He also stated that none of the accused has appended signatures in his presence. He further stated that affidavit was notarized etc. by Advocate T.J.Sharma. The perusal of the record further shows that Advocate T.J.Sharma has also not been examined in the present case. Moreover, the copy of the affidavit is Ex.D1 and the complainant admitted the signatures of Harjinder Singh on the affidavit.

Keeping in view all these facts, I find that learned Courts below have rightly acquitted the accused. The findings have been given while appreciating the evidence in right perspective. Nothing has been pointed out as to which material evidence has been misread and which material evidence has not been considered by the Courts below. Nothing has been pointed out as to how the findings given by the Courts below are perverse or against the evidence and law.

Therefore, finding no merit in the present revision petition, the same is dismissed.

February 22, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No