

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

CRR No.1062 of 2016

Date of Decision: 18.01.2017

Sukhdev Singh

.....Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. A.D.S. Sukhija, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.

[1]. This criminal revision has been filed by the complainant against the judgment of acquittal recorded by the trial Court on 24.05.2014 in case bearing FIR No.112 dated 10.05.2008 registered under Sections 447/427/506 IPC at Police Station Sadar, Khanna which was upheld by the lower Appellate Court vide judgment dated 17.11.2015.

[2]. Complainant sought conviction of the respondents on the basis of his possessory right at the relevant stage on the basis of lease from the Gurdawara Sahib and also projected that vide interim order of the Civil Court, his possession was recognized. However, at a subsequent stage, the civil litigation ultimately culminated against the complainant.

[3]. By referring to statements of Kulwant Singh, Patwari (PW2), Dalbir Singh (eye witness) (PW3) and other attending circumstances, the trial Court adverted to the fact that the

possession of the complainant was not corroborated by the aforesaid Kulwant Singh, Patwari (PW2) in his cross examination, rather, he had not seen any order vide which the complainant was recorded to be in possession of the land. Dalbir Singh (eye witness) PW 3, in his cross examination also stated that he could not tell the year in which his father had taken the land on lease. Since large number of villagers had gathered at the spot at the time of occurrence, therefore, he could tell the name of any person, neither he had informed the Police in respect of threats having been given by the accused, nor had narrated anything to the villagers or the neighbours.

[4]. Investigating Officer had not taken into possession the damaged crops, nor he had prepared the inventory to that effect. The witness also admitted that the land in question was under the ownership of Gurdawara Sahib. The Investigating Officer had also not collected any receipt regarding payment of Chokota by the complainant in favour of Gurdawara Sahib.

[5]. Having taken totality of facts and circumstances of the case, the trial Court acquitted the respondents. Judgment of acquittal was not interefered by the lower Appellate Court.

[6]. In criminal revision against acquittal, only legality and proprietary of the order can be seen. No appreciation of evidence can be made at the instance of the complainant who

could not lead any incriminating evidence before the trial Court.

[7]. I see no reason to differ with the conclusions drawn by the Courts below. Resultantly, this criminal revision stands dismissed.

18.01.2017
prince

(RAJ MOHAN SINGH)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No