

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

(1)

**CRR-3508-2016**

**Date of decision:-31.10.2017**

Jeet Singh and another

...Petitioners

Versus

State of Haryana and another

...Respondents

(2)

**CRR-3761-2016**

Desh Raj and another

...Petitioners

Versus

State of Haryana and another

...Respondents

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

Present : Mr.P.S. Sekhon, Advocate  
for the petitioners in CRR-3508-2016.

Mr.P.K. Ganga, Advocate  
for the petitioners in CRR-3761-2016.

Mr.Gaurav Bansal, AAG, Haryana.

Mr.Gaurav Jain, Advocate  
for respondent No.2 in both petitions.

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**H.S. MADAAN, J.**

Vide this judgment, I propose to dispose of two criminal revisions i.e. **CRR-3508-2016** filed by petitioners Jeet Singh and Sewa Singh and **CRR-3761-2016** filed by petitioners Desh Raj and Gurdita.

These revision petitions are directed against the judgment dated 7.9.2016 passed by learned Additional Sessions Judge, Fatehabad

vide which the judgment dated 1.4.2013 passed by learned Additional Chief Judicial Magistrate, Fatehabad convicting accused for offences under Sections 120-B and Sections 420/467/468/471 read with Section 120-B IPC and order dated 3.4.2013 sentencing them for that offence were upheld, whereas the appeal filed by accused-convicts was dismissed.

Learned Additional Chief Judicial Magistrate, Fatehabad had sentenced the accused as under:

| Offence under Section | Sentence Awarded                                                                                                                                                                         |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section 120-B IPC.    | Rigorous imprisonment for a period of three years and to pay a fine of Rs.2,000/- each and in default thereof, to further undergo simple imprisonment for a period of fifteen days each. |
| Section 420 IPC.      | Rigorous imprisonment for a period of three years and to pay a fine of Rs.3,000/- each and in default thereof, to further undergo simple imprisonment for a period of one month each.    |
| Section 467 IPC.      | Rigorous imprisonment for a period of five years and to pay a fine of Rs.3,000/- each and in default thereof, to further undergo simple imprisonment for a period of one month each.     |
| Section 468 IPC.      | Rigorous imprisonment for a period of five years and to pay a fine of Rs.3,000/- each and in default thereof, to further undergo simple imprisonment for a period of one month each.     |
| Section 471 IPC.      | Rigorous imprisonment for a period of two years and to pay a fine of Rs.2,000/- each and in default thereof, to further undergo simple imprisonment for a period of fifteen days each.   |

All the substantive sentences were ordered to run

concurrently.

The accused-convicts, who are petitioners before this Court pray that the revision petitions be accepted, the impugned judgment of their conviction and order of sentence passed by Additional Chief Judicial Magistrate, Fatehabad and judgment in appeal passed by Additional Sessions Judge, Fatehabad be set aside and they be acquitted of the charge framed against them.

Briefly stated, the facts of the case are that complainant Chamba Ram had filed a complaint against his son Desh Raj besides Gurditta, Jeet Singh, Sewa Singh and Ram Kishan, ASI for offences under Sections 419, 420, 467, 468, 471 and 120-B IPC on the assertions that he is aged about 76 years and is having a weak eye sight; that he was having 9 acres of land, out of which, he gave 10 Kanals 4 Marlas to his son Desh Raj – accused No.1. According to complainant, he has five daughters and with the consent of his son Desh Raj, he had transferred 36 Kanals land in favour of his four daughters, out of them one of his daughter Ramo @ Ram Piari gave her 9 Kanals land to her brother Desh Raj – accused No.1; that complainant retained 26 Kanals and 5 Marlas of land for his personal use and for the maintenance of his wife Beero, daughter Bimla and his son, who reside with him; that he has no other source of income. According to complainant, Desh Raj was given to bad habits and taking advantage of that, accused Jeet Singh and Sewa Singh got transferred 19 Kanals, 4 marlas of land of Desh Raj in their favour; that they further instigated him to transfer remaining land of complainant in his name; that since the complainant happened to be an old person dependent upon his son for his routine necessities, as such

Desh Raj took thumb impressions of complainant on some blank papers, forging an agreement to sell regarding 26 Kanals 5 Marlas land in favour of accused Gurditta showing the sale consideration at the rate of Rs.1,38,000/- per acre; that Rs.4 lacs was shown to be paid to complainant as earnest money; that as a matter of fact the value of land was not less than Rs.3 lacs per acre at the time when the agreement was forged and at present the value was not less than Rs.4 lacs per acre; that as a matter of fact, accused Desh Raj and Gurditta had no source of income to pay the earnest money of Rs.4 lacs but they in collusion with other accused Jeet Singh and Sewa Singh forged the agreement in question; that the complainant came to know about such agreement when he received a notice from the Court on 8.6.2004; that Panchayats were convened in which the accused were asked to withdraw the suit filed on the basis of forged agreement but in vain; that lastly a Panchayat was convened in *Dera Sacha Sauda* in the presence of Satnam Chand son of Sona Ram, Har Bhagwan son of Jamna Dass, Harbans Singh son of Santa Singh and Makhan Singh son of Chanan Singh, residents of village Hijrawan Khurd; that there the accused admitted having forged the agreement by misusing the blank thumb marked papers of the complainant, but they stated that they would get the suit decreed on the basis of forged agreement. According to the complainant, he had reported the matter to the police but police did not take any action, as such he filed a private complaint in the Court. The complaint had been dismissed by learned trial Court vide order dated 26.10.2010, however, the complainant filed a revision petition, which was allowed by learned Additional Sessions Judge, Fatehabad vide order

dated 1.9.2012 and trial Court was directed to re-consider the case of the complainant; that vide order dated 25.9.2012, the trial Court summoned all the accused to face trial for the offences under Sections 420, 467, 468, 471 read with Section 120-B IPC.

One of the accused ASI Ram Kishan was declared proclaimed offender vide order dated 24.12.2012.

In pre-charge evidence the complainant examined himself as PW1, Satnam Chand as PW2 and Anil Kumar Gupta, Handwriting & Fingerprints Expert as PW3, besides tendering documents.

After recording of pre-charge evidence, accused Nos.1 to 4 were charge-sheeted for the offences under Sections 120-B and Sections 420, 467, 468, 471 read with Section 120-B IPC, to which, they pleaded not guilty and claimed trial.

In after charge evidence, learned defence counsel opted to further cross-examine all the witnesses except the Handwriting & Fingerprints Expert. Accordingly, in after charge evidence PWs Chamba Ram and Satnam Chand were further cross-examined by learned defence counsel. Thereafter, the after charge evidence was closed.

Statements of the accused were recorded under Section 313 Cr.P.C., in which all the incriminating circumstances appearing against such accused were put to them but they denied the allegations contending that the instant complaint is false and frivolous.

In defence evidence accused tendered in evidence application moved for obtaining order dated 8.8.2012 and 29.11.2012 passed in case titled Gurranditta Versus Chamba Ram in RSA No.3519 of 2010 as Ex.D1 and copy of order dated 8.8.2012 passed by Hon'ble

High Court in RSA No.3519 of 2010 as Ex.D2.

After hearing the arguments, learned Additional Chief Judicial Magistrate, Fatehabad convicted and sentenced the accused as mentioned supra, the appeal preferred against the judgment of conviction and order of sentence passed by the Additional Chief Judicial Magistrate, Fatehabad was also decided against the accused by learned Additional Sessions Judge, Fatehabad, which left petitioners – accused aggrieved and they have filed the present revision petitions.

Notice of the revision petitions was given to the respondents, who appeared through counsel.

I have heard learned counsel for the petitioners-accused-convicts and the learned Assistant Advocate General for the State of Haryana as also learned counsel for the complainant besides going through the record and I find that there is no merit in the revision petitions. There is no illegality or infirmity in the judgments passed by the Courts below, rather the same are found to be based upon proper appraisal and appreciation of evidence and correct interpretation of law.

The complainant by leading sufficient oral and documentary evidence had successfully proved on record that accused had entered into criminal conspiracy with each other and in pursuance thereof had forged an agreement to sell dated 27.5.2003 regarding sale of land measuring 26 Kanals 5 Marlas belonging to complainant Chamba Ram misusing his thumb impressions on blank papers. This was so done by them to cheat the complainant and they used the forged agreement to sell as genuine one.

After hearing the rival contentions, I find that law is well

settled that the revisional jurisdiction of this Court is quite limited. This Court is to interfere only if there is an illegality or infirmity apparent on the face of the judgment/order passed by a Court below or the same is perverse. Merely because another view in the matter is possible, no inference with such judgment is to be done.

In view of the above, I find no illegality or infirmity in the judgments passed by the Courts below, as regards the conviction and sentence part, those are upheld and appeals are found to be without any merit and are dismissed accordingly.

The petitioners in both the petitions are stated to be on bail granted to them by this Court while suspending their sentence. Their bails are cancelled. Chief Judicial Magistrate, Fatehabad is directed to issue arrest warrant to get them arrested so as to make them undergo the remaining sentence.

Necessary information be sent to the quarter concerned.

**31.10.2017**  
Brij

**(H.S.MADAAN)**  
**JUDGE**

**Whether reasoned/speaking : Yes/No**

**Whether reportable : Yes/No**