

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

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**CRR No.4520 of 2016 (O&M)
Date of Decision: 20.12.2017.**

Mohinder Singh

....Petitioner.

Versus

Mohinder Singh

....Respondent.

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Ramesh Chand Sharma, Advocate, for the petitioner.

Ramendra Jain, J.(Oral)

CRM-38311-2016

For the reasons mentioned in the application, delay of 63 days in filing the revision petition is condoned. Application stands disposed of accordingly.

CRR-4520-2016

Through this petition under Section 401 of the Code of Criminal Procedure (for short, 'Cr.P.C.'), challenge has been laid to the judgment dated 07.06.2016 of the first appellate Court, affirming the judgment dated 13.07.2012 of the trial Court, acquitting the respondent.

According to the petitioner-complainant, on 29.09.2006, the respondent-accused demanded keys of the house, owned by his son-in-law, at village Balerkhanpur, looked after and managed by the complainant, who after asking for it from the owner of the house i.e. his son-in-law, Gurdial Singh, refused to hand over the keys to the respondent-accused. Thereafter, the

respondent-accused illegally broke open the locks of the house and took its possession forcibly and put his own lock unauthorizedly on the same.

On this assertion of the complainant-petitioner, the respondent was booked vide F.I.R. No.108 dated 01.10.2006 under Sections 447, 427 and 506 of the Indian Penal Code, by the police of Police Station Sadar Kapurthala and final report was submitted against him.

After recording the prosecution evidence and the statement of the respondent-accused under Section 313 Cr.P.C. and hearing both the sides, respondent-accused was acquitted by the trial Court vide judgment dated 13.07.2012.

Being aggrieved, the complainant-petitioner preferred an appeal, which too was dismissed.

Still dissatisfied, the petitioner has approached this Court by way of instant revision petition.

After giving my thoughtful consideration to the submissions made by learned counsel for the petitioner, I find the instant petition completely devoid of any merit for the reasons to follow:-

- (i) Learned counsel for the petitioner has not been able to point out any material irregularity in the judgments of both the Courts below.
- (ii) Admittedly, PW1 Dev Raj, PW2 Mohinder Singh (complainant-petitioner), PW4 Dalbir Singh and PW6 Jaswinder Kaur, did not utter even a single word in support of the prosecution that they had ever seen the respondent-accused breaking the locks of the disputed house. Thus, it is evident on record that their statements are based upon hearsay evidence,

which is a very weak type of evidence. The owner of the house, namely, Gurdial Singh and his wife Paramjit Kaur, were not examined by the prosecution for the reason best known to it, because they were the most relevant witnesses to prove the guilt of the respondent-accused. Even the title of the house in dispute to show that the same belong to Gurdial Singh was also not proved.

Therefore, in the considered opinion of this Court, no interference is warranted in the concurrent findings of both the Courts below. Accordingly, this revision is dismissed.

(RAMENDRA JAIN)
JUDGE

20.12.2017
jitender sharma

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No