

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-A-1085-MA-2016

Decided on : 08.03.2018

Mahender Singh

..... Applicant

VERSUS

Naresh Kumar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE T.P.S.MANN
 HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Abhishek Yadav, Advocate, for the applicant.

. . .

DEEPAK SIBAL, J.

Through the instant application filed under Section 378(4) of the Code of Criminal Procedure, 1973 (for short the “Cr.P.C”) the applicant seeks grant of leave to appeal against judgment dated 10.08.2015, passed by the Judicial Magistrate, 1st Class, Rewari, (for short “the trial Court”) through which the respondents have been acquitted of the charges framed against them under Sections 467, 468, 471 and 120-B of the Indian Penal Code, 1860 (for short the “IPC”).

The applicant had filed a complaint before the trial Court through which he contended that on 08.10.2003 a sale deed bearing No.520 was executed and registered in the office of the Joint Sub Registrar, Dharuhera through which Girvar Prasad son of Ganesh Lal, while acting as power of attorney holder of Lakhpat Rai, Brij Lal, Vidya Devi, Shakuntla Devi, Sarla Devi and Santosh Devi had sold 16 square yards of land situated in the revenue estate of Dharuhera to Amit Kumar, Vikas Kumar and Nishant Kumar (respondents No.2 to 4 respectively). The said sale deed

had been witnessed by Ram Swaroop and Pyare Lal, Lamberdar (respondent No.5) Further, another sale deed bearing No.764 was executed and registered on 12.01.2004 in the office of the Sub Registrar, Dharuhera by Girvar Prasad as power of attorney holder of Lakhpat Rai, Brij Lal, Vidya Devi, Shakuntla Devi, Sarla Devi and Santosh Devi through which 8 marlas of land situated in revenue estate of Dharuhera was sold to Babu Ram. It was the case of the applicant that Girvar Prasad never appeared before the Joint Sub Registrar, Dharuhera either on 08.10.2003 at the time of execution and registration of sale deed No.520 or on 12.01.2004 when sale deed bearing No.764 was executed and registered in the office of the Sub Registrar, Dharuhera. It was further alleged that both the sale deeds were having computerized photographs of its executants and witnesses which clearly showed that Girvar Prasad had not appeared before the respective Registering Authorities. It was still further alleged that it was respondent No.1 who had impersonated Girvar Prasad and to further substantiate his allegations, a report by a fingerprint expert was also produced.

The trial Court after sifting the evidence which had come on record acquitted the respondents of the charges levelled against them as the trial Court was of the opinion that no case as sought to be made by the applicant was made out against them. It is such acquittal of the respondents which is the subject matter of challenge in the present proceedings.

Learned counsel for the applicant, while reiterating the submissions made on behalf of the applicant before the trial Court, submitted that the trial Court erred in acquitting the respondents of the charges levelled against them as there was overwhelming evidence on the

record to prove their guilt and therefore, there was no reason in fact or in law with the trial Court to acquit them.

The submissions made by learned counsel for the applicant have been considered but the same do not warrant a favourable consideration.

A perusal of the findings recorded by the trial Court reveals that the land sold to respondents No.2 to 4, by Girvar Prasad, as power of attorney holder of the original owners, through sale deed No.520 dated 08.10.2003 was also sold by the original owners themselves through sale deed dated 1031, dated 23.03.2004 to respondents No.2 to 4. In the light of this fact no benefit could be arrived at by respondent No.1 to forge the sale deed dated 08.10.2003.

The afore-referred sale deed dated 23.03.2004 also contained computerized photographs of the original owners which included Girvar Prasad. On a specific query posed by the trial Court, the applicant failed to identify Girvar Prasad in such photographs.

The fingerprint expert which was referred to by the applicant in his complaint was never produced before the trial Court. Further, no specific evidence was led by the applicant to prove that it was respondent No.1 who had impersonated Girvar Prasad. No evidence is also found to have been led by the applicant to prove that the respondents had ever the intention of cheating or that they had ever hatched a criminal conspiracy to forge and benefit from the alleged sale deed No.520, dated 08.10.2003 (Ex.P12).

In view of the above, the present application is found devoid of

any merit and therefore dismissed.

Leave to appeal is declined.

[T.P.S.MANN]
JUDGE

[DEEPAK SIBAL]
JUDGE

08.03.2018
shamsher

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No