

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

125

CRM-M-31109-2018

Date of Decision:26.07.2018

Vinod Kumar

.....Petitioner

Versus

Charan Singh and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Bhisham Kumar Majoka, Advocate,
for the petitioner.

HARI PAL VERMA, J.(Oral)

Petitioner has filed the present petition under Section 482 Cr.P.C. for setting aside the order dated 24.05.2018 (Annexure P-5) passed by learned Sessions Judge, Faridabad, whereby the revision petition filed by respondent No.1-accused was accepted and the proceedings were dropped against him in complaint No.641 dated 19.09.2013 under Sections 409, 420, 467, 468, 471, 120-B, 506 IPC filed by the petitioner.

Briefly stated that the petitioner has filed a complaint under Sections 409, 420, 467, 468, 471, 120-B, 506 IPC against 14 persons, wherein inquiry was conducted under Section 202 Cr.P.C. and on the basis of the said report, the trial court issued process of summoning vide order dated 06.09.2014 against all the accused except one who has died. The said order dated 06.09.2014 passed by the trial court was made subject matter of challenge before the revisional court and vide order dated 24.05.2018,

learned Additional Sessions Judge, Faridabad, allowed the revision

petition filed by respondent No.1. The operative paragraph No.5 reads as under:-

“After hearing the rival submissions, I have given my thoughtful consideration on the same. Admittedly, revisionist was working as District Welfare Officer, Ballabgarh at the relevant time and he relied upon the report filed by BDPO and accordingly order was passed by DC for sanctioning the loan vide order dated 13.03.2012. Further, revisionist is not duty bound to visit the village and verify the fact regarding the true caste of the applicants/beneficiaries. It was the duty of the Patwari or Lambardar to verify and certify this fact before filing any report. There is nothing on record to show that present revisionist was in collusion with other co-accused persons facing trial. The fact that present revisionist relied upon the Scheduled Caste Certificate issued by Tehsildar on the report of Patwari/Lambardar for processing their application before Deputy Commissioner, he cannot be held criminally liable along with the accused persons facing trial.”

Learned counsel for the petitioner has argued that respondent No.1 was arrayed as an accused and the trial court has rightly issued summoning of the accused including respondent No.1. He further states that learned Additional Sessions Judge has accepted the revision petition against the order dated 06.09.2014 (wrongly mentioned as 06.09.2016 by learned Additional Sessions Judge) after inordinate delay.

The case of respondent No.1 is that he has no role in commission of the alleged fraud in any manner. He has acted on the basis of Scheduled Caste Certificate issued by Tehsildar which is further based on the report of Patwari and Lambardar and accordingly, processed the file

of beneficiaries for the release of grant. Respondent No.1 being a District

Welfare Officer was not required to conduct any field survey and to enquire from the villagers, Sarpanch or Lambardar regarding the caste of beneficiaries as he has relied upon the Scheduled Caste Certificate issued by the office of Tehsildar. Thus, respondent No.1 has no personal knowledge about the case of the beneficiaries. Even otherwise, respondent No.1 has retired from service from the office of State of Haryana and is presently settled in Mumbai. It would be harassment to him after retirement.

Thus, there is no illegality in the impugned order dated 24.05.2018 (Annexure P-5) passed by the revisional court.

Dismissed.

July 26, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No