

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

224

CRR-1617-2017

Date of Decision: July 03, 2018

Gurjinder Kaur

.....Petitioner

versus

Amrik Singh and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL*******

Present: Mr. Sonpreet Singh Brar, Advocate
for the petitioner.

Mr. Randeep Singh Bains, DAG, Punjab.

*********Sudhir Mittal, J. (Oral)**

One Gurdial Singh was holder of immovable property. The petitioner-Gurjinder Kaur is his daughter-in-law being widow of pre-deceased son Harvinder Singh alias Harminder Singh. Respondent No.4 is the widow of said Gurdial Singh (mother-in-law of the petitioner). A Will dated 26.01.2005 has been set up by Surjit Kaur @ Amarjit Kaur-respondent No.4. The said Will has been scribed by respondent No.1 and respondent Nos. 2 and 3 are witnesses of the Will

2. The petitioner got an FIR registered against respondents No. 1 to 4 by lodging a complaint that the Will was forged and fabricated. Vide judgment dated 19.01.2015, the learned trial Court acquitted respondents No.1 to 4. Appeal of the petitioner has also been dismissed vide impugned judgment dated 23.01.2017.

3. The contention of learned counsel for the petitioner is that the aforementioned Will bears the thumb impression of deceased-Gurdial Singh, whereas he never used to append his thumb impression on any document. From

this he wishes that the Court should assume that the Will is forged and fabricated and that the thumb impression is not that of deceased-Gurdial Singh.

4. In a criminal matter, the prosecution is bound to prove its case beyond reasonable doubt. From the evidence on record and from the argument of learned counsel for the petitioner, the said settled principle of criminal law would be violated because the petitioner wishes that the Court should decide the case on the basis of assumption. The Courts below have returned cogent findings that from the evidence on record it is not possible to hold that prosecution has failed to prove its case beyond reasonable doubts. There is no illegality or irregularity in the findings of the Courts below. Thus, there is no ground to invoke the revisional jurisdiction of this Court.

5. Accordingly, the Revision petition is dismissed.

6. Learned counsel for the petitioner submits that the Will has been disbelieved by the revenue authorities. Suffice it to say that the parties shall be bound by the decision of the Revenue Court.

July 03, 2018

sonia arora

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No