

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH

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CWP-30004-2017

Date of decision:24.07.2018

Kuldip Kumar Kaura

...PETITIONER

Vs.

State of Punjab and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. H.C.Arora, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court praying for quashing of the inquiry report dated 28.11.2013 (Annexure P-9), order dated 26.06.2014 (Annexure P-10) passed by the Incharge (Complaint Branch) for Director, Panchayat, Punjab, order dated 21.07.2017 (Annexure P-15) passed by the Director, Rural Development and Panchayat Department, Punjab-respondent No. 2, whereby the Director has exonerated Smt. Kirna Rani-respondent No. 5, the then Sarpanch, in the proceedings, which were initiated against her on the complaint of the petitioner, wherein embezzlement was alleged to have been resorted to by her when she was working as a Sarpanch, Village Sidhwan Bet, Tehsil Jagraon, District Ludhiana.

It is the contention of the learned counsel for the petitioner that respondent No. 5 stands convicted vide order dated 29.03.2017 (Annexure P-16) passed by the Judicial Magistrate Ist Class, Jagraon for offence under

Section 409 IPC and sentenced to rigorous imprisonment for a period of three years with fine of ₹2,000/- and in default thereof, simple imprisonment for a period of 15 days. He contends that the apprehension of the petitioner is that the order dated 21.07.2017 (Annexure P-15) passed by the Director, Rural Development and Panchayat Department, Punjab will be used in the appeal, which would be preferred by respondent No. 5 to seek her acquittal.

This contention of the learned counsel for the petitioner is misplaced as the Appellate Court would proceed to decide an appeal on the basis of the evidence and the material available on record. Since respondent No. 5 is no more the Sarpanch of the village, this Court does not want to go into the merits of the case and dispose of this case with above observations.

July 24, 2018
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No