

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A-2706-MA-2017
DECIDED ON: 27.02.2019

SUKH RAM

..APPLICANT..

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS..

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. L.S. Sidhu, Advocate,
for the applicant.

RAMENDRA JAIN, J. (ORAL)

Through this application under Section 378(3) Cr.P.C., the complainant has prayed for grant of leave to appeal against the judgment of acquittal of the trial court dated 29.08.2017, in case FIR No.66, dated 10.07.2009, under Sections 328, 420, 406, 342 and 120-B IPC Police Station Mulepur, District Fatehgarh Sahib.

Briefly, respondents No.2 to 5 (for short, “private respondents”) were booked and tried on the allegations that on 19.02.2008, applicant sold his agricultural land situated at village Attapur, through private respondents to one Manjit Singh vendee, for total sale consideration of ₹24,37,500/-. The aforesaid vendee paid the entire sale consideration to the private respondents for onward transfer of the same to the complainant-applicant, but instead of handing over

the sale consideration to him, they administered some intoxicant substance to him by mixing in tea. After taking tea, applicant remained unconscious for two days in the house of private respondents. On the third day, private respondents sent the applicant-complainant to his house under fear that he may not die in their house, by returning only part sale consideration i.e. ₹15,00,000/- and retaining ₹9,37,500/- with them on the pretext that they would repay the same later on. Finally, private respondents did not return the aforesaid balance sale consideration to applicant-complainant and usurped the same.

After holding trial, private respondents were acquitted by the trial court vide impugned judgment dated 29.08.2017.

Learned counsel for the applicant contends that 14 prosecution witnesses (PW-1 to PW-14) supported the complainant's version as PW-15. Despite that, trial court ignoring the fully proved evidence against the private respondents, acquitted them on cryptic and illegal ground that applicant-complainant has concealed dismissal of his civil suit on the same allegation against the private respondents, without appreciating that applicant-complainant was an illiterate person, not knowing the intricacies of law.

Having given thoughtful consideration, this Court does not find any merit in the instant application for the reasons to follow:

1. Ignorance of law and illiteracy are no excuse. In the present scenario, an illiterate and rustic villager is more intelligent and vigilant than a literate person and knows well all intricacies of law.

Therefore, it does not lie in the mouth of the applicant that on account of illiteracy, he did not disclose the factum of dismissal of his civil suit on the same allegation against the private respondents.

2. The dismissal of civil suit of the applicant-complainant on the same allegation was a fact, having material bearing on the merit of case. Therefore, it can safely be inferred that the applicant had intentionally and deliberately concealed the factum of dismissal of his civil suit to blackmail the private respondents by illegally securing their punishment.

Since, applicant-complainant was non-suited on the same allegation by the civil court, therefore, this Court is not inclined to differ with the findings of the trial court in the impugned judgment dated 29.08.2017, acquitting the private respondents, being based on appreciation of evidence.

Dismissed.

27.02.2019

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**(RAMENDRA JAIN)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes/No
Yes/No**