

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

207

CRR-486-2003

DATE OF DECISION: 12.07.2019

SANT BABA AMRIK SINGH

... Petitioner(s)

Versus

SUBEGH SINGHAND ORS.

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Tarundeep Kumar, Advocate for
Mr. D.S. Pheruman, Advocate for the petitioner(s).

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

This petition has been preferred against the judgment of acquittal of the private respondents in FIR No.103 of 1996, under Section 379 IPC, registered at Police Station City Tarn Taran.

Learned counsel for the petitioner contends that the judgment of acquittal is unwarranted from the evidence on record. The theft of the vehicles had been established and therefore, the judgment of the trial Court convicting the accused could not have been lightly set aside.

Heard.

The case of the prosecution is based on the complaint of Amrik Singh, who is the power of attorney holder of Baba Jagtar Singh, in which it is stated that on 14.06.1996, their vehicles had gone to Gurduwara Baba Garja Singh Baba Bota Singh in connection with kar sewa but the accused under the leadership of accused Subeg Singh took and stole away the vehicles along with the drivers. It is also mentioned that the vehicles are parked at Gurudwara Pargat Sahib, Police Station Mamdot, District Ferozepur and the details of the vehicles have been set out therein.

The prosecution examined Amrik Singh Chela Baba Jagtar Singh as PW-1, SI Satpal Singh as PW-2, Surinder Singh Clerk as PW-3,

Sukhdev Singh as PW-4 and SPO Buta Ram as PW-5 and closed its evidence.

The trial Court convicted the accused under Section 379 IPC by the judgment dated 15.11.1999 and sentenced them to undergo rigorous imprisonment for six months and fine of Rs.200/- each.

I have carefully examined the judgment of the appellate Court and I am of the considered view that it does not call for any interference while exercising the revisional jurisdiction for the following reasons:

- i) Firstly, there was a delay of 5 days in reporting the matter to the police. The complainant Amrik Singh PW-1 had stated in his deposition that he had seen the accused persons stealing the trucks on 14.06.1996 but there is no explanation whatsoever as to why he did not lodge the complaint when he knew about the theft as well as the identity of the accused on that day itself. The trucks are stated to have been recovered after 10 days.
- ii) Secondly, the prosecution has not been able to prove the ownership of all the trucks on file. PW-3 Surinder Singh, Clerk D.T.O, office, Amritsar had proved the ownership of only three vehicles which were registered in the name of Baba Jagtar Singh kar sewa wale, Tarn Taran.
- iii) Thirdly, the recovery of the trucks is stated to have been effected from Gurdwara Pargat Sahib. It has been admitted by PW-1 that the place from where the trucks were stolen and the place where the trucks were recovered is under the control of Baba Jagtar Singh.

Consequently, I do not find any manifest illegality in the judgment of acquittal passed by the lower appellate Court.

The revision petition stands dismissed.

12.07.2019

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**(ANUPINDER SINGH GREWAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No