

241

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30390-2015
Date of decision-27.02.2019

Kashmir Singh

....Petitioner

Vs.

Mandar Singh and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Nakul Sharma, Advocate for the petitioner.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner/complainant to challenge the order dated 29.05.2014 (Annexure P-2) passed by Additional Session Judge, Ferozepur affirming the order of discharge passed by the trial Court on 26.11.2013. The prosecution had arisen from case No.RBT-300 dated 09.12.2002/07.12.2012, titled as “Kashmir Singh Vs. Mandar Singh and another”.

Briefly noticed the facts of the case are that the complainant who was a member of Saida Wala Agricultural Cooperative Society took four urea bags on 27.02.1990 and issued a cheque amounting to Rs.450/- to Kahsmiri Lal (now deceased), Secretary of the said society. Other accused, namely, Mandar Singh and Rajinder Kumar were salesman and accountant respectively of the said Society. According to the complainant, these two accused in connivance with Kashmiri Lal altered the figure of the cheque by converting it for a sum of Rs.4500/- and likewise the four urea bags were

shown as 40 bags. A complaint was given, which was decided by accused Rajinder Kumar against the complainant and appeal preferred by the complainant was decided in his favour. As per the said decision, on 12.11.1997, recovery was ordered from widow of Kashmiri Lal. On these very allegations, a private complaint was brought by the complainant before the Court and after recording the preliminary evidence, accused were summoned vide order dated 07.02.2013 for the offences punishable under Sections 420, 465, 466, 468, 469 and 471 of Indian Penal Code. Thereafter, the complainant was cross-examined and vide order dated 26.11.2013, the trial Court proceeded to discharge both the accused, namely, Mandar Singh and Rajinder Kumar.

Aggrieved against that, the petitioner/complainant preferred the revision petition which was dismissed and in this background, the petitioner/complainant is before this Court to assail the said orders.

I have heard learned counsel for the petitioner and with his assistance I have gone through the paper-book carefully.

The revisional Court has minutely gone into the decision delivered by the trial Court and proceeded to observe that the alleged offence pertains to the year 1990 and that too against Kashmiri Lal alone. It is noticed that the alleged amount already stood recovered from his dues on 11.12.1994 and the said document as Exhibit CW-2/A was on record. Besides, it is observed that there is no pre-charge evidence adduced and the revisional Court proceeded to affirm the discharge order passed by the trial Court.

It is evident from the impugned order that previously the allegations were found only against Kashmiri Lal in the departmental proceedings and there is nothing on record to suggest that there were any allegations against these two accused against whom the complaint was filed. Besides, it was for the complainant to adduce sufficient pre-charge evidence to make out a *prima facie* case for framing of charges. However, as noticed by the Courts below, no evidence was adduced and the material on record was converted as noticed above.

Resultantly, this Court does not find any ground to interfere in a well reasoned order passed by the revisional Court which is based on the correct appreciation of the material on record.

Consequently, petition is dismissed.

(MANOJ BAJAJ)
JUDGE

27.02.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No