

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

Sr. No.236

**CRR-250-2016 (O&M)
Date of decision : 27.11.2019**

Shamsher Singh

..... Petitioner

VERSUS

Sham Lal

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Mohd. Yousaf, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

Learned counsel for the petitioner submits that Courts below were in error in acquitting the respondent as the respondent himself has given an affidavit Ex. PW3/A stating therein that he is the owner of the tractor. In light of this affidavit, the Courts below were in error in concluding that the petitioner was aware of the fact that the respondent was not the owner of the tractor.

A perusal of the impugned judgments shows that during his cross-examination the petitioner, has admitted that a photocopy of the registration certificate of the tractor was given to him by the respondent, in which the respondent was not noted as the owner. In the light of this evidence, the Courts below have found that the petitioner was aware that the tractor was not owned by the respondent and thus, no offence under Section 420 IPC was made out.

Learned counsel for the petitioner has not been able to show any infirmity in the aforementioned finding. Thus, the petition is without merit and is dismissed.

**(SUDHIR MITTAL)
JUDGE**

27.11.2019

Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes / No

Yes/ No