

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

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CRR-1601-2017 (O & M)
Date of Decision:31.01.2019

Krishan Lal

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gurcharan Dass, Advocate
for the petitioner.

MANOJ BAJAJ, J.

The present revision petition has been filed to challenge the order dated 17.12.2016 passed by the learned Additional Sessions Judge, Ludhiana, whereby the judgment of acquittal passed by the learned trial Court on 20.07.2015 in case FIR No.123 dated 13.05.2003 under Sections 341, 461 and 380 of the Indian Penal Code ('IPC' – for short), registered at Police Station Division No.4, Ludhiana was upheld.

Brief facts reading to the present revision petition are that complainant Krishan Lal got the FIR registered against accused Ramesh Bhardwaj and Rajesh Bhardwaj with the allegations that accused executed an agreement to sell dated 04.06.2002 for sale of two shops on the ground floor of the property bearing No.B-III-298, measuring 36 square yards situated at Kucha Pandit Beli Ram, Purana Bazar, Ludhiana. The total sale consideration was fixed as ₹25 lacs and against that a sum of ₹8 lacs was paid as advance money. The remaining amount was to be paid at the time of execution and registration of sale deed that is on or before 31.03.2003. As

per the allegations, instead of executing the agreement, the threats were extended and the complainant filed a suit for permanent injunction. It is averred at the time of execution of agreement, the accused allowed the applicant to carry out any type of business in the shops and the complainant started running his business in the shops. The accused, who came to know about the filing of the suit had in a revenge broken the locks of the shops and put on their own locks and removed the goods from the shops. A request was made to the accused to remove the locks, however, he gave threats to the complainant to eliminate him.

After registration of the case, the investigation was carried out and the challan was presented against the accused before the trial Court. After framing of the charges, the trial commenced, however, qua accused Rajesh Bhardwaj, proceedings were quashed by this Court vide order dated 09.11.2009 passed in CRM-M-17704-2008.

In order to establish its case, the prosecution in all examined 8 witnesses and thereafter the statement of accused Rajesh Bhardwaj was recorded under Section 313 Cr.P.C. It was explained by accused that no agreement dated 04.06.2002 as alleged was executed by him. According to the accused, he himself is carrying on his business of hosiery under the name of S. Bhardwaj Trading Company; the agreement dated 04.06.2002 is a forged document; besides, it was mentioned that the shop is lying mortgaged with the State Bank of Patiala.

In defence, the accused examined himself as DW-1 and produced the certified copies of the orders and pleadings in the civil proceedings.

After carefully examining the entire evidence, the learned trial Court proceeded to hold that the prosecution has failed to establish its case and acquitted the accused.

Aggrieved against the said judgment of acquittal, appeal was filed before the learned Additional Sessions Judge, Ludhiana. The learned Appellate Court also dismissed the appeal.

The learned trial Court as well as the learned Appellate Court have carefully examined the evidence on record and have proceeded to acquit the accused on the ground that the prosecution has failed to prove the charges beyond the shadow of a reasonable doubt. The findings recorded by the Courts below are based on the correct appreciation of evidence on record and in revisional jurisdiction, this Court is not to re-appreciate the evidence. The view adopted by the Courts below is a possible view and, therefore, the impugned judgment passed by the appellate Court does not suffer from any illegality or impropriety warranting any interference under the revisional jurisdiction of this Court.

In view of the above, no case is made out for interference.

The revision petition is dismissed.

31.01.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No