

CRR-2665-2019

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

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Date of Decision:26.11.2019

Jiwan Kumar

... Petitioner

Versus

Jasbir Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. M.S.Saini, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J.

The present revision petition is against the judgment dated 16.07.2019 passed by the learned Additional Sessions Judge, SAS Nagar, Mohali, vide which the appeal filed by the petitioner against the judgment dated 14.10.2016 passed by the learned Judicial Magistrate Ist Class, Kharar, SAS Nagar, Mohali, acquitting the respondents in Calendra under Sections 182, 211 and 199 IPC, has been dismissed.

Brief facts of the case are to the effect that the petitioner-complainant, Jiwan Kumar, moved a complaint dated 12.05.2010 against respondents, Jasbir Singh, Mohinder Singh and Bhag Singh, stating that on 23.04.2010 at about 3.45 a.m., he was wrongfully restrained and criminally intimidated to withdraw the criminal case. During inquiry, the accused suffered statements stating that an FIR No.79, dated 26.04.2002, under

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Sections 457 and 380 IPC, had been got registered by complainant-Jiwan Kumar, but in the said case, cancellation report was submitted by the police and a case under Section 182 IPC had been registered against Jiwan Kumar. On 16.04.2012, the directions were given by the Punjab State Human Rights Commission to SSP, Mohali, to produce documentary proof regarding the proceedings under Section 182 IPC against Jiwan Kumar. In pursuance of the same, SHO, P.S.Sadar Kharar, submitted report dated 18.04.2012 to the effect that no case under Section 182 IPC was pending, and accordingly, Calendra under Sections 182, 199 and 211 IPC had been filed.

On the basis of evidence led by the prosecution, the trial Court found that there was no evidence on record to show that any information had been given by the respondents/accused to the police officer on the basis of which the public servant had used lawful power to do or omit anything, nor any witness has deposed on oath that the respondents/accused had made any declaration in any court of law. Accordingly, the respondents were acquitted of the charges framed against them by giving the benefit of doubt.

Aggrieved of the judgment of acquittal of the respondents, the petitioner preferred an appeal before the lower Appellate Court, which was also dismissed. Hence, the present revision petition.

I have heard learned counsel for the petitioner and with his able assistance, have gone through the judgments passed by the courts below.

In the present case, petitioner-Jiwan Kumar appeared as PW 1 and stated that he had filed a complaint Ex.P-1, under Sections 457 and 380 IPC, against the accused persons in which they had got discharged on 08.02.2013. Later, on the basis of his complaint, an enquiry was conducted

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by DSP, Kharar, and the respondents were found innocent. However, it is clear from the evidence on record that the respondents had not moved any complaint nor any information was given to the public servant/police officer when a Calendra under Section 182 IPC was registered against the petitioner after cancellation of FIR in which he was a complainant.

Thus, the courts below have rightly held that there was no evidence to prove any false information to have been given by the accused so as to make out any offence to fall within purview of Sections 182, 199 and 211 IPC.

Learned counsel for the petitioner has failed to point out any illegality or perversity committed by the courts below. He has also failed to point out as to which material evidence has not been considered by the courts below.

In view of the above, the impugned judgment passed by the learned Additional Sessions Judge, SAS Nagar, Mohali, is upheld. Therefore, finding no merit in the present revision petition, the same is dismissed.

26.11.2019

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Note:	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No