

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

103

CRR-508-2016(O&M)

Date of Order: 06.09.2019

Gurmeet singh @ Jagga

..Petitioner

Versus

State of Punjab etc.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Mohit Jaggi, Advocate, for the petitioner.
Mr. Bhupender Beniwal, AAG, Punjab
Mr. S.K.Singla, Advocate, for respondents no.2 to 9.
Mr. Harkirat Singh Sandhu, Advocate,
for respondent no.10.

ANIL KSHETARPAL, J(Oral)

Through this revision petition, correctness and validity of the judgment passed by learned first appellate court i.e. Additional Sessions Judge, Patiala, dated 15.09.2015 has been assailed.

Basic allegation of the prosecution is that sale deed dated 05.05.2005 allegedly executed by Rai Singh in favour of respondents no.2 to 5 is result of forgery. Prosecution heavily relied upon opinion of Finger Print and Handwriting Expert to prove that fact. Whereas learned first appellate Court has held that such opinion cannot have precedence over direct evidence i.e. by examination of one of the marginal witness of the sale deed Daljit Singh Lambardar, Registration Authority, Naib Tehsildar and the stamp vendor. The Court also took into consideration the report of another Finger Print and Handwriting Expert Sh. Navdeep Gupta.

Opinion of Finger Print and Handwriting Expert while comparing handwriting and signatures is not binding as it is only an opinion which has to be dealt with by the Court while deciding the case. Direct evidence has to be given preference.

It is undisputed that in the civil Court attempt to challenge the validity of the sale deed dated 05.05.2005 has failed. In order words, the sale deed was found to have been genuinely executed. Even first appeal has been dismissed. Regular second appeal is pending.

Before some one can be convicted for having committed a criminal offence, it is obligatory on the part of the prosecution to prove its beyond shadow of any reasonable doubt the guilt of the accused being prosecuted. In the present case, first appellate court on examination of evidence has taken a plausible and reasonable view. This Court in such circumstances while exercising the powers of revision, cannot interfere.

Keeping in view the aforesaid facts, the present petition is dismissed.

September 06, 2019
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(ANIL KSHETARPAL)
JUDGE

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