

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

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**CRM-27884-2017 in
CRR-3125-2017(O&M)
Date of decision :18.09.2019**

PADAM KUMAR DALMIA

.....Petitioner

versus

ANIL BHATIA AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vivek K. Thakur, Advocate,
for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Judgment of acquittal passed by the learned Judicial Magistrate affirmed in appeal has been assailed through the present revision petition.

It is the case of the complainant that the respondents had committed criminal breach of trust and, therefore, liable to be punished.

Learned Additional Sessions Judge while re-appreciating the evidence has confirmed the findings of the learned Judicial Magistrate. It has been noticed that employee of the petitioner used to look after the godown from where the accused used to get goods which was in accordance with the instructions issued by the petitioner. No receipt regarding alleged delivery of goods entrusted to the accused has been produced. Anil Bhatia has not even signed document Ex.P12. No witness from Ludhiana Spinders Association has been examined, alleged mediator of the alleged settlement. Padam Kumar Dalmia, complainant appeared as PW1 and could not identify the handwriting over Exhibits PW4/1, PW5/1, PW6/1, PW7/1, PW8/1, PW9/1 and PW10/1. The complainant has also not examined any of the

vendee who had purchased the goods from the complainant through accused. The complainant has also not produced balance sheet, income tax returns, sale tax returns for the year 1996-1997 despite opportunity granted.

In view of the aforesaid findings recorded, the Courts have held that the complainant has failed to prove its case beyond shadow of reasonable doubt.

Learned counsel for the petitioner, although, made sincere attempt, however, failed to persuade this court to take a different view in exercise of revisional jurisdiction, particularly when the judgment of acquittal has already been affirmed in appeal.

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

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For the reasons mentioned in the application, delay of 160 days in filing the present revision is condoned.

September 18, 2019
nt

(ANIL KSHETARPAL)
JUDGE

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