

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

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**CRM-M-32280-2019 (O&M)
Date of Decision : 15.01.2020**

Narinder Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Anupam Sharma, Advocate
Legal Aid Counsel for the petitioner.

ARUN KUMAR TYAGI, J. (ORAL)

The petitioner has filed present petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for quashing/setting aside impugned judgment dated 22.11.2018 passed by learned Additional Sessions Judge, Barnala in Criminal Revision No.CRR/65/2016 dismissing revision petition and affirming impugned order dated 14.09.2016 passed by learned Judicial Magistrate Ist Class, Barnala in Criminal Complaint No.108 of 27.09.2011 filed under Sections 420, 467, 468 and 471 of the Indian Penal Code, 1860 (for short 'the IPC') whereby complaint was dismissed under Section 203 of the Cr.P.C.

Briefly stated the facts giving rise to filing of the present petition are that the petitioner-complainant filed above-said criminal complaint on the averments that the petitioner-complainant was having three HP electric power connection from Punjab State Power Corporation Limited vide account No.39/95, 9/348 and running one cotton fringing machine along with two small wheat flour machines.

The petitioner-complainant did not transfer the above-said connection in the name of any other person or request for adjustment of security in the name of Prabhdhayal. Respondent-accused Rakesh Kumar in connivance with Prabhdhayal forged the signatures of the petitioner-complainant on application dated 03.02.1992 submitted to Sub-Division Officer, Sub Urban, Barnala for transferring his electric connection in the name of Prabhdhayal and managed to get his account closed. The respondent-accused cheated the petitioner-complainant by forging documents. The respondent-accused also sold 3 HP electric motor and cotton fringing and wheat flouring machines after stealing the same. Since no action was taken on the complaint made to the police, the complaint was filed. Preliminary evidence of the complainant was recorded. In his preliminary evidence, the petitioner-complainant examined himself as CW-1 and produced documents C-1 to C-10. On consideration of the submissions made by the petitioner-complainant and perusal of the evidence produced by him, learned Judicial Magistrate Ist Class, Barnala observed that evidence produced by the complainant was not sufficient enough to proceed further against the accused and dismissed the complaint. Revision Petition filed by the petitioner-complainant was dismissed by learned Additional Sessions Judge, Barnala.

Feeling aggrieved, the petitioner has filed the present petition.

I have heard learned Counsel for the petitioner and perused the relevant record.

Learned Counsel for the petitioner has submitted that by the preliminary evidence produced by the complainant, prima facie case was made out against the respondent-accused and there was sufficient ground for proceeding against him. The revision petition filed by the petitioner-complainant has been wrongly dismissed. The impugned orders suffer from material irregularity and illegality warranting interference with the same by exercise of power under Section 482 of the Cr.P.C.

On consideration of the submissions made by learned Counsel for the petitioner and perusal of the material on record, I am of the considered opinion that the impugned orders do not suffer from any illegality and the revision petition being devoid of any merit is liable to be dismissed.

In the present case, the petitioner filed the above-said complaint alleging (i) that the respondent-accused in connivance with Prabhdhayal forged signatures of the complainant-petitioner on the application submitted to Sub-Divisional Officer, Sub Urban, Barnala for transferring of his electric connection in the name of Prabhdhayal and (ii) respondent-accused sold his 3 HP electric motor and cotton fringing and wheat flouring machines after stealing the same.

The petitioner did not make any efforts to get his specimen signatures compared with the signatures appended on the application Ex.C-8 to prove that signatures on Ex.C-8 were not that of the complainant and were forged. The petitioner did not implead Prabhdhayal as accused in the complaint or produce him as witness in his preliminary evidence. The petitioner also did not make any specific

averments in the complaint as to when and in whose persons 3 HP electric motor and cotton fringing and wheat flouring machines were stolen by the respondent-accused and when and to whom the same were sold. Uncorroborated solitary self-serving testimony of the petitioner-complainant could not be relied upon and was rightly disbelieved by the Courts below. The evidence produced by the petitioner-complainant did not make out any prima facie case as to commission of offences punishable under Sections 379, 420, 467, 468 and 471 of the IPC and there was no sufficient ground for proceeding against the respondent-accused. Therefore, the complaint and the revision petition were rightly dismissed by the Courts below. The impugned orders do not suffer from any illegality and there is no ground to interfere with the same in exercise of the power under Section 482 of the Cr.P.C.

In view of the above discussion, the petition is dismissed.

15.01.2020
Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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