

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

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CRR No.2056 of 2019 (O&M)

Date of decision : 04.02.2020

Mehal Singh

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM : HON'BLE MR.JUSTICE RAMENDRA JAIN

Present : Mr.J.S.Brar, Advocate
for the petitioner.

Mr.N.K.Banka, DAG, Punjab.

Ramendra Jain, J. (Oral)

Custody certificate of the petitioner filed by the State counsel in the Court today is taken on record. Be tagged at appropriate place.

Briefly, petitioner, through this Criminal Revision, has assailed judgment dated 06.08.2019 of the Lower Appellate Court, whereby appeal of the petitioner was dismissed, while accepting appeal of the complainant Ranjit Singh, whereby it, upholding judgment of conviction dated 11.10.2018 of the trial court, holding the petitioner guilty under Sections 465, 471 IPC and sentencing him to undergo rigorous imprisonment for one year, the petitioner was further held guilty and sentenced under Sections 420, 467 and 468 IPC to undergo rigorous imprisonment of one year under each section and pay fine of Rs.2500/- under each section. However, the sentences were ordered to be run concurrently.

Briefly, on receipt of complaint dated 07.02.2009 from Ranjit Singh against the petitioner for cancellation of his Arms licence, the police of Police Station Sadar, Ferozepur investigated the matter thoroughly. On finding his arms licence fake, it registered FIR No.112 dated 28.05.2009

against the petitioner under Sections 420, 465, 467, 468 and 471 IPC. After completion of investigation, final report under Section 173(2) Cr.P.C. was filed against the petitioner to face trial under the aforesaid sections.

Trial court after holding trial, acquitted the petitioner under Sections 420, 467, 468 IPC, but convicted him under Sections 465 and 471 IPC vide judgment and order dated 11.10.2018 in the manner as narrated above.

Being aggrieved, the petitioner approached the Lower Appellate Court against his aforesaid conviction and sentence awarded by the trial court. Simultaneously, complainant Ranjit Singh also filed appeal against acquittal of the petitioner under Sections 420, 467, 468 IPC. Thus, both the appeals were heard together. Learned Lower Appellate Court, maintaining the judgment of conviction dated 11.10.2018 of the trial court against the petitioner, further sentenced him under Sections 420, 467 and 468 IPC, to undergo imprisonment for 01 year each with fine of Rs.2500/- each. In default thereof to further undergo imprisonment for 01 month each.

Learned counsel for the petitioner contends that there is no iota of evidence on record to prove that petitioner ever possessed a forged Arms licence. Both the courts below have illegally convicted the petitioner on the basis of verification report, allegedly issued by the Sub Divisional Officer (Civil)-cum-Licensing Authority, Nagaland (Ex.PW-5/A), coupled with statement of PW-5 Parveen Kuamr, ignoring the fact that there was no evidence, when PW-5 Parveen Kumar visited Nagaland and procured the said report. The letter, authorising PW-5 Parveen Kumar to visit Nagaland for procurement of the aforesaid report, was also not produced on record by the prosecution. Thus, the link evidence was missing. Lower Appellate

Court, without setting aside the findings of learned trial Court acquitting the petitioner under Sections 420, 467 and 468 IPC, illegally convicted and sentenced the petitioner under the said sections.

On the other hand, learned State counsel strongly refuting the above submissions of learned counsel for the petitioner, pleaded legality and validity of the impugned judgment.

Having given thoughtful consideration to the rival submissions, this Court finds the instant revision completely devoid of any merit for the reasons to follow:

(1) This Court, while exercising its revisional powers, has very limited jurisdiction, which can only be exercised, (i) when the Courts below have acted beyond jurisdiction vested in them or (ii) have not exercised the same diligently and (iii) have exercised illegally.

Learned counsel for the petitioner has not been able to show any such infirmities in the judgments of both the Courts below.

(2) From the verification report Ex.PW5/A, it transpires that the prosecution has proved its case beyond any shadow of doubt that arms licence possessed by the petitioner was fake and forged one.

The petitioner was given ample opportunity to rebut the said evidence of the prosecution in his defence, but he did not opt to do so, though it was very easy for the petitioner to examine any official from the licencing authority, from where his original arms licence was issued to falsify the stand of the prosecution. In the absence of any contrary evidence or rebuttal from the petitioner's side, evidence led by the prosecution against the petitioner remained un-challenged and unrebutted.

The Lower Appellate Court has specifically set aside the

findings of the trial court acquitting the petitioner of charges under Sections 420, 467, 468 IPC, but due to the typographical mistake word 'not' is inadvertently typed. In such circumstances, it does not lie in the mouth of the petitioner that the lower appellate court without setting aside the finding of the trial court acquitting the petitioner under aforesaid sections illegally convicted him. The Lower Appellate Court specifically observed that Arms licence possessed by the petitioner was a valuable security, on the basis of which, he obtained .12 bore gun as well as .32 bore revolver on his own need. Thus he was liable to be convicted under Sections 420, 467 and 468 IPC.

I have carefully gone through the judgment of the lower appellate court and find no illegality or perversity in the same. The same is upheld.

The instant revision, being completely devoid of any merit, is dismissed.

[RAMENDRA JAIN]
JUDGE

04.02.2020

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No