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

CRR-349-2020 (O&M)
Date of decision : 05.10.2023

Ajit Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

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

Mr. Amit Shukla, AAG, Punjab.

Mr. S.S. Sandhu, Advocate for respondent No.2.

PANKAJ JAIN, J. (ORAL)

Complainant is in revision against the judgment dated 9th of March, 2017 passed by Addl. Session Judge, Rupnagar affirming the order of acquittal dated 19th of November, 2015 passed by JMIC, Rupnagar in case FIR No. 04 dated 4th of January, 2013 registered for the offences punishable under Sections 447, 511 of the Indian Penal Code, at Police Station Chamkaur Sahib.

2. As per the allegations levelled in the FIR the parties were having a dispute w.r.t. land. The complainant claimed to have purchased 8 marlas of land. Adjoining to which the accused purchased 18 marlas of land whereas the land on the spot was found to be deficient by 2 marlas

which led to the present dispute.

3. Trial Court after analyzing the evidence thread bare found that since both the parties purchased land in the joint khata offence punishable under Section 447 read with Section 511 IPC was not made out.

4. The aforesaid order stands affirmed by the Apex Court.

5. The scope of revision against acquittal stands settled by Apex Court in the case of **Bindeshwari Prasad Singh @ B.P. Singh and others vs. State of Bihar (Now Jharkhand) and another, 2002 AIR (SC) 2907** wherein it has been held that -

“12. We have carefully considered the material on record and we are satisfied that the High Court was not justified in re-appreciating the evidence on record and coming to a different conclusion in a revision preferred by the informant under Section 401 of the Code of Criminal Procedure. Sub-section (3) of Section 401 in terms provides that nothing in Section 401 shall be deemed to authorize a High Court to convert a finding of acquittal into one of conviction. The aforesaid sub-section, which places a limitation on the powers of the revisional court, prohibiting it from converting a finding of acquittal into one of conviction, is itself indicative of the nature and extent of the revisional power conferred by Section 401 of the Code of Criminal Procedure. If the High Court could not convert a finding of acquittal into one of conviction directly, it could not do so indirectly by the method of ordering a re-trial. It is well settled by a catena of decisions of this Court that the High Court will ordinarily not interfere in revision with an order of acquittal except in exceptional cases where the interest of public justice requires interference

for the correction of a manifest illegality or the prevention of gross miscarriage of justice. The High Court will not be justified in interfering with an order of acquittal merely because the trial court has taken a wrong view of the law or has erred in appreciation of evidence. It is neither possible nor advisable to make an exhaustive list of circumstances in which exercise of revisional jurisdiction may be justified, but decisions of this Court have laid down the parameters of exercise of revisional jurisdiction by the High Court under Section 401 of the Code of Criminal Procedure in an appeal against acquittal by a private party. (See AIR 1951 Supreme Court 196 : D. Stephens v. Nosibolla; AIR 1962 Supreme Court 1788 : K.C. Reddy v. State of Andhra Pradesh; (1973) 2 SCC 583 : Akalu Ahir and others v. Ramdeo Ram; AIR 1975 Supreme Court 1854 : Patakalapati Narayana Gajapathi Raju and others v. Bonapalli Peda Appadu and another and AIR 1968 Supreme Court 707 : Mahendra Pratap Singh v. Sarju Singh).”

6. Counsel for the petitioner has not been able to point out any glaring legal infirmity that can persuade this Court to exercise revisional jurisdiction. Whole of the argument is based upon to persuade this Court to appreciate the evidence once again which is beyond the scope of revisional jurisdiction of this Court. Resultantly, the present revision petition is dismissed.

October 05, 2023
Dpr

(Pankaj Jain)
Judge

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