

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

2023:PHHC:65278

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**CRM-A-1677-MA-2015 (O&M)
Date of Decision: 16.02.2023**

RAM CHANDER

... Appellant

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ram Pal Verma, Advocate
for the applicant-appellant.

SANDEEP MOUDGIL, J. (ORAL)

By filing the present application, under Section 378(4) Cr.P.C., the applicant-appellant has sought leave to file appeal against the impugned judgment dated 30.07.2015 passed by the Addl. Chief Judicial Magistrate, Sonapat whereby, the complaint of the applicant-petitioner has been dismissed and the accused-respondents No.2 to 6 have been acquitted of the charges framed against them.

Precisely, the facts of the case are that the petitioner-complainant was owner in possession of agricultural land measuring 34K-19M situated within the revenue estate of Village Nahra, Tehsil and District Sonapat and ¼ share in khata no.264, which comes out to be 1 kanal. Father of the petitioner-complainant namely Raje had died 30 years back and as such, the property owned by the father of the petitioner-complainant was to be inherited by his legal heirs including the petitioner-complainant. However, the accused persons-respondents No.2 to 6 in connivance with each other and the revenue officials and with the intention of cheating, forgery and false impersonation got the

mutations No.5291 and 5292 entered and sanctioned in their favour on 10.09.2007, whereas they had not right, titled or interest to do the same. With the above mentioned allegations, the petitioner-complainant filed a complaint against the accused persons. Preliminary evidence of the petitioner-complainant was recorded, on the basis of which the accused-respondents No.2 to 6 were ordered to be summoned and face trial. Consequent thereto, the accused-respondents No.2 to 6 appeared before the Court and were granted bail. Pre-charge evidence was also recorded wherein the petitioner-complainant examined total four witnesses including himself. On the basis of pre-charge evidence, charges against the accused-respondents No.2 to 6 were framed under Section 420 and 120-B of IPC. After charge evidence was led, statements of accused-respondents No.2 to 6 under Section 313 of the Cr.P.C. were recorded and the finally, the case culminated into acquittal of the accused-respondents No.2 to 6.

Perusal of the impugned judgment shows that the both the impugned mutations have already been declared as null and void in a civil suit filed by accused Gyano and her sister. It has further been observed by the trial Court that the even though the evidence led and the documents produced by the petitioner-complainant duly support his case, however, the mutations in questions had been entered and sanctioned by a competent Authority on the basis of documents produced before it and nobody had raised any challenge at the time of sanctioning the mutations. Jagdish Chander, Sadar Kanungo has appeared in the witness box as PW3 and specifically deposed that nobody had raised any challenge at the time of entering and sanctioning the mutations. It has further been observed by the trial Court that the complainant has not produced any beneficiary nor has he appeared before any revenue authority to

the get the mutation entered and sanctioned in his favour. Hence, the complainant failed to bring home the guilt of the accused persons beyond shadow of all reasonable doubts and as such, while giving the benefit of doubt, the accused-respondents No.2 to 6 were acquitted of the charges framed against them.

I find no illegality or perversity in the judgment passed by the learned Court below as the same is based on true appreciation of evidence and material produced on record and the same is well-seasoned judgment.

Accordingly, the leave to appeal stands declined.

Dismissed.

16.02.2023
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(SANDEEP MOUDGIL)
JUDGE

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