

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

CRR-4383-2016 (O&M)
Date of Decision: 12.10.2023

Naveen Arora

....Petitioner

Versus

Madan Lal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. P.S. Hundal, Senior Advocate, with
Mr. Gursahib Singh Hundal, Advocate, and
Mr. Ankush Chauhan, Advocate, for the petitioner.

Avneesh Jhingan, J. (Oral)

1. This revision is filed aggrieved of the acquittal of the respondents in case FIR No. 6 dated 08.01.2010 registered under Sections 420, 467, 468, 470, 471 read with Section 34 IPC, at Police Station Camp Palwal and dismissal of the appeal filed by the complainant.

2. The case set up was that Madan Lal, real uncle (Chacha) of the complainant by relying upon an oral Will cheated the complainant by wrongly getting mutation of the property of his deceased brother (Praveen Kumar) in his name. As per the complainant, there was no Will executed in favour of Madan Lal by the deceased brother.

3. While appearing in the witness box as PW2, the complainant admitted the factum that a Will executed by deceased-Praveen Kumar, in favour of the respondents and Ved Pal and Shiv Dayal were the attesting witnesses.

4. The trial Court, considering the contents of cross-examination of the complainant and the fact that no remedies were availed for challenging the mutation entries, acquitted the respondents for the failure of the prosecution to prove the case beyond reasonable doubt.

5. The State accepted the acquittal order. However, the appeal filed by the complainant was dismissed.

6. Learned Senior counsel appearing for the petitioner submits that the evidence adduced was not properly appreciated by the trial Court, while acquitting the respondents. However, on instructions, he fairly submits that the civil suit between the parties, vis-à-vis the Will is pending.

7. The contentions raised by the learned Senior Counsel lack merit. The complainant in his testimony before the trial Court, had admitted the factum that Will was executed by the deceased in favour of the respondents. It is not disputed that the mutation entries were not challenged by the complainant. It cannot be lost sight of that the issue of genuineness of the Will is a subject matter of pending civil suit.

7. It is a settled proposition in law that there cannot be any re-appreciation of evidence in the revision. The view taken in impugned judgment is a plausible one.

8. There is no merit, the instant petition is dismissed.

12.10.2023
ds

(AVNEESH JHINGAN)
JUDGE

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