

2023:PHHC:129358

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

(237)

**CRR-3988-2017**

**Date of decision:- 05.10.2023**

**Roop Singh**

**...Petitioner**

**Versus**

**State of Punjab and Anr.**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Arvind Kashyap, Advocate for the petitioner.

Ms. Navreet K. Barnala, AAG, Punjab.

*AVNEESH JHINGAN, J. (Oral)*

1. This Revision Petition is filed against the acquittal of accused/respondent in case FIR No.91 dated 23.05.2013 filed under Section 432 IPC and under Section 3 of Prevention of Damage to Public Property Act 1984, registered at Police Station, Fatehgarh Sahib.

2. The brief facts of the case are that on 03.04.2013, member of the Panchayat of village Kotla Fazal, complained that Rajinder Kaur (respondent) obstructed the natural flow of water by throwing bricks in the drain, resultantly, water collected in the streets. On 03.04.2013, BDPO along with JE Baljinder Singh went on the spot to restore the flow of dirty water by laying plastic pipe. The respondent was not present at the spot but later she pulled the plastic pipe and kept the same in her house.

3. The trial Court considering the fact and appreciating the evidence adduced, concluded that the prosecution failed to prove the case and giving benefit of doubt acquitted of the respondent. The appeal filed was dismissed on 13.07.2017. Hence, the present petition.

4. Learned counsel for the petitioner submits that Court erred in acquitting the respondent and the evidence was not appreciated in correct perspective.

5. The contention raised by the learned counsel for the petitioner lacks merit.

6. The scope and interference in the Revision Petition is limited. Hon'ble Supreme Court in ***New India Assurance Co. Ltd. Vs. Krishna Kumar Pandey, 2021(14) SCC 683*** held as under:-

*“8. The scope of the revisional jurisdiction of the High Court (or Sessions Court) under Section 397 Cr.P.C., 1973 is limited to the extent of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order passed by an inferior Court. The revisional Court is entitled to look into the regularity of any proceeding before an inferior Court. As reiterated by this Court in a number of cases, the purpose of this revisionsal power is to set right a patent defect or an error of jurisdiction or law.”*

7. There is no quarrel on the proposition that there cannot be re-appreciation of evidence in revision.

8. It would be appropriate to note that the Courts below considered the deposition of Sh. Roop Singh, BDPO, PW2 and JE Baljinder Singh, PW4 deposing that they had not seen as to who blocked the flow of water. As per the testimony of BDPO, no one else was present on the spot except JE Baljinder Singh. The prosecution failed to prove the recovery of plastic pipe as the recovery witness lady Constable Pinderjit Kaur was not examined. It was noted that the FIR was lodged on the basis of resolution passed by the Gram Panchayat and before

lodging the FIR no inquiry was conducted by the department with regard

to guilt of the accused. Considering that the appellate Court had considered the facts, appreciated the evidence and came to a plausible conclusion.

9. No ground is made for interference in the impugned judgment.

10. The revision petition is dismissed.

11. Since the main case has been dismissed the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)  
JUDGE

October 05, 2023

*spn*

Whether speaking/reasoned : Yes/No  
Whether Reportable : Yes/No