

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

**CRR No.2085 of 2018
Date of Decision : 22.08.2023**

Naib Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Rajveer Singh, Advocate for
Mr. Brijeshwar S. Bhalla, Advocate
for the petitioner.

Mr. Kunal Vinayak, Asstt. Advocate General, Punjab.

PANKAJ JAIN, J.

Complainant is in revision. Challenge is to the judgment dated 12th of March, 2018 passed by Appellate Court affirming the judgment of acquittal dated 9th of December, 2016 whereby the respondents/accused stand acquitted in FIR No.33, dated 16th of May, 2011 registered for the offences punishable under Sections 419, 420, 467, 468, 471, 120-B of the Indian Penal Code at Police Station Ajitwal.

2. On the complaint made by the petitioner an FIR was registered. As per which it was alleged that respondent No.2 Gurtej Singh obtained service in the CRPF by producing Matriculation Certificate of his brother namely Rai Sahib. In fact respondent No.2/accused never passed Matric. It was claimed that he forged electoral voter list by removing his name and by entering name of his brother Rana Singh in his place. Rana Singh is a

fictitious person. Thereafter Gurtej Singh was made Rai Sahab and Rai Sahab was made Rana Singh. For the period from 14th of September, 1999 till 12th of January, 2000 Gurtej Singh was serving in CRPF by using name of Rai Sahib and Rai Sahab got admission in ITI and studied for the said course.

3. After appreciating the evidence on record Trial Court found that there is an admitted family rivalry between the complainant and the accused. Earlier also a complaint was lodged against the accused accusing him of serious offences punishable under Sections 363, 366-A, 376, 120-B IPC. Respondent No.2 Gurtej Singh earned acquittal therein. Trial Court found that the summoned witness from the office of CRPF i.e. PW-3 ASI Gurcharan Singh has produced on record documents but no document has been proved to be forged. No record of any forged voter list was produced on record. So much so even the genuine record could not be produced. Trial Court thus returned a finding that the entire prosecution story is an imaginary web created by the complainant to settle the previous scores and acquitted the respondents No.2 and 3.

4. In appeal preferred by the State, the Appellate Court has affirmed the findings recorded by the Trial Court observing as under :

“20. From the entire documents produced on record, nowhere it reveals that accused has earned any gain by unlawful means. No document has been placed on record to prove that accused has obtained job by using the forged matriculation certificate which was issued in the name of his brother. No document has been produced on record to show that alleged matriculation certificate

which has been used by the accused was not issued in his name and it was issued in the name of his brother Rai Singh. Neither voter list has been produced on record nor any genuine record has been produced.

21. I am convinced with the submissions raised by the learned counsel for respondents/accused that if the accused was able to procure the job in CRPF department by using the forged record, then it was for the department to initiate any departmental enquiry against the accused for committing forgery but no such evidence has been produced by the prosecution on record to prove that any complaint was lodged by any one to CRPF department. The burden was heavily upon the prosecution to prove its case beyond shadow of reasonable doubt by leading cogent and convincing evidence and as such learned trial court has rightly given findings that the prosecution has failed to establish the guilt of the accused beyond reasonable shadow of doubt.”

5. Counsel for the petitioner has not been able to persuade this Court to exercise the Revisional Jurisdiction by pointing out any legal infirmity in the orders passed by the Court below.

6. The revisional jurisdiction of this Court in the State case wherein the complainant prefers revision already stands settled by Apex Court in **D. Stephens vs. Nosibolla (1951) 1 SCR 284** held as under :

“The revisional jurisdiction conferred on the High Court under [section 439](#) of the Code of Criminal Procedure is not to belightly exercised when it is invoked by a private complainant against an order of acquittal, against which the Government has a right of appeal under [section 417](#). It could be exercised only in exceptional cases where the interests of public justice require interference for the correction of a manifest illegality or

the prevention of a gross miscarriage of justice. This jurisdiction is not ordinarily invoked or used merely because the lower Court has taken a wrong view of the law or misappreciated the evidence on the record.”

7. The same principle was reiterated in **Logendra Nath Jha and others v. Polailal Biswas [1951 SCR 678]** wherein it was held as under :

“.....Though sub-section (1) of [section 439](#) authorises the High Court to exercise, in its discretion, any of the powers conferred on a court of appeal by [section 423](#), sub-section (4) specifically excludes the power to "convert a finding of acquittal into one of conviction". This does not mean that in dealing with a revision petition by a private party against an order of acquittal, the High Court could in the absence of any error on a point of law re-appraise the evidence and reverse the findings of facts on which the acquittal was based, provided only it stopped short of finding the accused guilty and passing sentence on him. By merely characterising the judgment of the trial Court as "perverse" and "lacking in perspective", the High Court cannot reverse pure findings of fact based on the trial Court's appreciation of the evidence in the case. That is what the learned Judge in the court below has done, but could not, in our opinion, properly do on an application in revision filed by a private party against acquittal.....”

8. Counsel for the petitioner has not been able to point out any evidence on record which has not been read by the Courts below or has been misread to return a finding which can be said to be highly improbable.
9. Counsel for the petitioner wants this Court to reappreciate the

evidence and to upset the probable view recorded by the Courts below which is beyond the revisional jurisdiction of this Court.

10. Resultantly, the present revision petition is dismissed.

August 22, 2023	(PANKAJ JAIN)
Dpr	JUDGE
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No