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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-3339-2018 (O&M)

Date of decision: July 27, 2023

Tarlochan Singh

....Petitioner

versus

Gurdeep Singh alias Goldy Galib and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr.Narinder Singh Dadwal, Advocate for petitioner.

ARUN MONGA, J. (ORAL)

Present petition has been filed challenging the order dated 25.05.2018 passed by learned Sub-Divisional Judicial Magistrate, Jagraon, vide which the complaint filed under Section 499, 500, 295-A, 294, 120-B of the IPC filed by petitioner against the respondent, was dismissed.

2. Succinct facts of the present case, as noted by learned trial Court in the impugned judgment, are as under:

“2. In brief, the facts of the present complaint are that the complainant is NRI and is having a landed agricultural property and other property at Village Galib Kalan, Tehsil Jagraon and at Jagraon. The complainant often used to visit India at Village Galib Kalan and more often used to visit at his agricultural land where the complainant is managing his agricultural land through labour. The complainant planned to start producing Organic Turmeric and to sell the same under his own brand in the India and overseas market. For this purpose, complainant applied for electric motor connection for irrigation of his crop under the category of drip irrigation system. The connection was to be installed by the P.S.P.C.L by erecting the electricity poles towards the bore of the complainant. But the accused in connivance with each other more particularly accused Gopal Singh and Darshpreet Singh caused the obstruction in installing the electric poles and due to the obstruction caused by the accused Gopal Singh and Darshpreet Singh, the complainant got the same installed through his constructed farm house. When the complainant succeed in getting the electric connection through legal means in the year 2012, then the accused persons namely Gopal Singh and Darshpreet Singh challenged the complainant that they would disconnect the same as the complainant had got the electric connection despite their obstruction. As there was a dispute qua the transfer of land between the complainant and the family of Gopal Singh. So Gopal Singh and Darshpreet Singh hatched a criminal conspiracy against the complainant to cause loss to the property and reputation of the complainant. In furtherance of their

conspiracy they joined accused Goldy Press Reporter and Harmanjit Singh J.E. Posted at Jagraon to give a coloured shape to their conspiracy, all the accused visited at the bore of the complainant in the absence of complainant and illegally got prepared the case of electricity theft on the pretext that the irrigation was being done to the turmeric crop directly and not through the drip irrigation system. On 30.11.2012 electricity department disconnected the electric connection of motor immediately without giving any opportunity to be heard to the complainant or his representative. As per hatched conspiracy a Press Reporter accused Goldy Galib remained present there along- with his Camera and other accused Darshpreet Singh and Harmanjit Singh J.E. though there was no such important occasion that an official of electricity department visited to check the connection and other accused including Press Reporter remained present there. Furthermore, on 01.12.2012, accused Goldy Galib got published a news-item with the heading that an illegal running motor connection was caught from the agricultural land indicating that the same had been caught from the land of the complainant as no other NRI in the village had got the drip irrigation system at Sherpur Road Galib Kalan. All the accused just to cause wrongful loss to the crop of the complainant disconnected the electric motor connection due to which the turmeric crop of the complainant remained deprive from Irrigation for a long time and due to this, a huge loss of production was suffered by the complainant and also caused the loss to the reputation to the complainant in the press and public. Earlier to that on 06.11.2012, accused Darshpreet Singh and Jasvir Singh hit the complainant physically with an intention to dislodge the turban of the complainant, when the complainant tried to understand him not to abuse and remained in his limit and with this regard, a written complaint dated 07.03.2013 was filed by the complainant. Hence, the present complaint.”

3. Learned counsel for petitioner would contend that though the name of the petitioner is not mentioned in the newspaper, but it is mentioned in the newspaper that running motor connection was caught from the agriculture land of NRI in Village Galib Kalan. As there was no other NRI who has got the drip irrigation system at Sherpur Road, Galib Kalan, thus by publishing this news item in the newspaper, reputation of the petitioner has been lowered in the public at large, but Ld. Trial Court failed to consider this aspect and dismissed the complaint of petitioner vide impugned order dated 25.05.2018. He further submits that during preliminary evidence, petitioner as well as Baldev Singh CW1 categorically stated that by publishing the news item in the Newspaper "Pehredar", the reputation of complainant has been lowered in the public at large, but Ld. Trial Court did not consider this aspect while dismissing the complaint of the petitioner vide order dated 25.05.2018.

3.1. Learned counsel for petitioner further submits that even ld. Trial Court did not consider the report No.33 dated 26.12.2012 marked as Ex.C3, wherein it is

specifically mentioned that the objections for disconnecting the connection were not correct and appropriate proceedings to connect the connection be initiated so that the farmer may not suffer any loss. He further urges that learned Court below did not apply its judicious mind and wrongly and illegally dismissed the complaint of petitioner. Therefore, the impugned order of dismissal of complaint passed by Id.Trial court is not legally sustainable and deserves to be set aside.

4. I have heard learned counsel for petitioner and perused the case file.

5. After appreciating the evidence on record, vide impugned judgment dated 25.05.2018, learned Court below dismissed the complaint filed by petitioner.

6. Impugned order dated 25.05.2018 is, *inter alia*, premised on the following reasoning:

"6. In the present case, the complainant has alleged that the accused persons had defamed him by publishing false news item in the newspaper and in order to adjudge as to whether accused persons have committed any offence or not, I would like to go through the news-item which is Ex.PW6/A and from the perusal of news-item, it is crystal clear that in the entire news-item the name of the complainant is not mentioned and further, the detail of property is also not mentioned. I have also gone through the evidence of CW1 Baldev Singh whom the complainant has examined as independent witness and he in his evidence has never stated this fact that due to the false news-item reputation of the complainant has lowered in his eyes and after the publication of news-item, he started seeing the complainant with suspicion and if the reputation of the complainant had not been lowered in his eyes, then no offence of defamation is made out and further. the complainant in the present case except Baldev Singh has not examined any other witness to show or to prove that his reputation has been tarnished or lowered down in the society due to the publication of false news-item.

7. Further, in the present case, the complainant has alleged that the electricity department had disconnected electric connection of the accused persons and accused persons were having a grudge that the said electric connection was got disconnected due to the complaint of Tarlochan Singh and the complainant in the present complaint has placed on record the checking report Ex.CW5/A and perusal of the checking report transpires that the same is regarding Jaswant Singh but Jaswant Singh has not been arrayed as accused in the present case and as such, the contention of the complainant also carries no weight and further, during the course of argument, learned counsel for the complainant has stated that the dispute between complainant Tarlochan Singh and Gopal Singh is going on and this can be a reason as to why the complainant has filed the present complaint.

8. So, in view of above-discussion, it is clear that the complainant has miserably failed to prove his complaint and there is nothing on record to summon the accused persons. Hence, the present complaint is hereby dismissed. File be consigned to the record room after due compliance."

7.

Perusal of the aforesaid shows that the impugned order is based on cogent reasoning after appreciating the evidence on record in right perspective.
8.

In the instant case, findings recorded by learned trial Court are based on correct appreciation of evidence and do not suffer from any infirmity and perversity much less illegality. Thus, no grounds for interference are made out.
9.

Instant revision petition is hereby dismissed.
10.

Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 27, 2023
'D'Vir/A

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