

(129) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13247-2024

Date of Decision: 21.03.2024

DR. SUMEET SOFAT

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Dr. Sumeet Sofat
petitioner-in-person.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Sections 482/483 Cr.P.C. is for quashing of the order of the JMIC, Ludhiana dated 02.03.2023 (Annexure P-1) and the order passed by the DSJ, Ludhiana dated 11.04.2023 (Annexure P-2).

2. The brief facts of the case are that FIR No.283 dated 17.10.2008 under Sections 465, 468, 469, 471, 201, 120-B, Police Station Division No.5, Ludhiana was lodged against the petitioner/accused and others. The petitioner/accused moved an application before the Trial Court to place on record the judgment and decree dated 22.12.2016 passed in civil proceedings by the Court of Civil Judge, Sr. Division, Ludhiana and for dropping criminal proceedings and acquitting the accused in view of the said judgment contending that the findings of the Civil Court were binding upon the criminal Courts and as the Civil Court had decided in his favour, he ought to be acquitted.

3. The Trial Court held that the judgment and decree dated 22.12.2016 had already been exhibited in defence evidence. The question of

acquitting the petitioner/accused at that stage on the basis of the judgment and decree passed by the Civil Court did not arise as the effect of the said judgment on criminal proceedings would be seen in the context of Sections 40, 41, 42 & 43 of the Indian Evidence Act at the stage of final adjudication moreso when the case was posted for defence evidence and one witness in defence has already been examined. The Trial Court also found that the petitioner/accused had availed multiple opportunities for leading defence evidence by moving one application or the other to delay the matter. He therefore dismissed the prayer for acquittal of the accused/petitioner vide his judgment dated 02.03.2023 (Annexure P-1).

4. The petitioner preferred a revision-petition before the Court of Sessions Judge, Ludhiana and the Revisional Court also held that the question of discharge of the accused at the stage of defence evidence did not arise and the evidentiary value of the Civil Court judgment would be adjudicated upon by the Trial Court at the stage of final arguments. It also found that the impugned order was interlocutory in nature and thus, the revision petition was not maintainable. The copy of the order passed by the Sessions Judge, Ludhiana dated 11.04.2023 is attached as Annexure P-2 to the present petition.

5. The aforementioned orders are under challenge in the present petition.

6. The petitioner-in-person contends that once the Civil Court had arrived at a finding regarding the property in question in favour of the petitioner, the Trial Court ought to have dropped proceedings as the FIR had been registered on the same basis. The provisions of the Evidence Act made

judgments in civil cases binding on Criminal Courts and therefore, the Courts below had erroneously dismissed the application for dropping proceedings.

7. On the other hand, the learned State counsel contends that no fault can be found with the impugned orders. The evidentiary value of the judgment passed by Civil Court would be examined by the Trial Court at the stage of final arguments and the question of dropping proceedings when defence evidence was going on did not arise.

8. I have heard the learned counsel for the parties.

9. Admittedly, the FIR pertains to the year 2008. The judgment and decree dated 22.02.2016 has already been exhibited in defence in the Trial emanating out of FIR No.283 dated 17.10.2008 under Sections 465, 468, 469, 471, 201, 120-B, Police Station Division No.5, Ludhiana. The said Trial is at its fag-end with defence witnesses being examined. At this stage, the question of discharge/dropping of proceedings would not arise and the relevance of the judgment and decree dated 22.12.2016 would be examined and adjudicated upon by the Trial Court at the stage of final arguments.

10. In view of the above, I find no reason to interfere with the well-reasoned orders of the Trial Court and the Lower Appellate Court and therefore, the present petition stands dismissed.

11. The Trial Court is directed to conclude the Trial as expeditiously as possible but in any case not later than two months from the next date fixed before it.

21.03.2024

JITESH

(JASJIT SINGH BEDI)
JUDGE

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