

2024:PHHC:148494



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

101

**CRR 1530 of 2003
Date of Decision: 14.11.2024**

Sukhdev Singh		...Petitioner
	Versus	
Satinder Kaur		... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Hitesh Verma, Advocate, as Amicus Curiae.

N.S.SHEKHAWAT, J. (Oral)

1. The present revision petition has been preferred against the judgment dated 15.11.2002 passed by the Court of Shri S.N. Aggarwal, Sessions Judge, Patiala, whereby, the revision petition filed by the respondent/accused was allowed and the complaint filed by the petitioner/complainant was ordered to be dismissed.
2. The brief facts of the case are that Sukhdev Singh, petitioner filed a criminal complaint against respondent/accused for committing the offences punishable under Sections 419, 420, 177, 193 and 198 IPC. The petitioner/complainant alleged that his father Hazara Singh had filed a civil suit against Jagdev Singh, husband of the respondent with regard to a land situated at village Akalgarh. The suit was tried by the Sub Judge First Class, Nabha and was ordered to

be dismissed on 12.01.1984. However, on appeal, District Judge, Patiala accepted the appeal filed by the father of the complainant and suit was ordered to be decreed. Jagdev Singh filed an appeal before this Court and an interim order dated 07.02.1989 was passed by this Court and in compliance of the said order, the complainant was furnishing the security every year and trial was stated to be pending before this Court. Later on, Hazara Singh died and the petitioner/complainant was impleaded as legal representative and similarly Jagdev Singh had died and the respondent/accused was impleaded as legal heir. In November 1998, the petitioner approached the Halqua Patwari and it was found that Killa numbers 19 and 20 of rectangle No. 31 were found exchanged by Jagdev Singh with Harvinder Singh. The respondent had appeared as an attorney of her brother Harvinder Singh and mutation No. 970 was sanctioned on 23.12.1985. The petitioner obtained the copy of the mutation and found that respondent had acted as an power of attorney of Harvinder Singh knowing well that he had already died. Thus, the respondent had played a fraud and had impersonated herself as power of attorney of Harvinder Singh, illegally. It requires mention that Harvinder Singh had died on 26.09.1985 whereas mutation was sanctioned on 23.12.1986 which had caused wrongful loss to the petitioner.

3. In support of charge, the petitioner examined himself as CW1, Balwinder Singh Patwari as CW2, Jaipal as CW3 and Joginder

Singh, Office Kanungo as CW4 and also exhibited the documents Ex.A1 to A21.

4. Finding a *prima-facie* case, the trial Court summoned the petitioner for the offences punishable under Sections 419, 420, 177 and 193 of IPC. The respondent appeared before the Court and moved an application under Section 245 Cr.P.C., for discharging her, which was dismissed. The respondent filed a revision before the Sessions Court, which was allowed and the said order has been impugned in the present revision by the petitioner.

5. Learned amicus curiae appearing on behalf of the petitioner vehemently argued that the revisional Court had completely overlooked the scope of a revision petition and the impugned judgment was without jurisdiction. In fact, the revisional Court wrongly appreciated the evidence and the respondent was wrongly discharged by the Court. Even, the impugned judgment was based on misappropriation of evidence and the settled law. Thus, the impugned judgment is legally unsustainable.

6. I have heard the learned amicus curiae for the petitioner as well as I have gone through the Court record carefully.

7. In the present case, the trial Court had summoned the petitioner for committing the offence under Section 419, 420, 193 and 177 IPC. Section 419 IPC provides for the punishment for cheating by impersonation. In the present case, the petitioner had not impersonated herself as Harvinder Singh. In fact, she appeared before

the revenue authorities as Satinder Kaur Maan and had only induced the power of attorney to represent that she was not attorney of Harvinder Singh. She had not impersonated as any other person and the revisional Court rightly held that no offence under Section 419 IPC was made out against the respondent. Similarly, she had not cheated anyone nor induced anybody to deliver the property to her or to deliver any other valuable security to her and it has been rightly held that the respondent was wrongly summoned under Section 420 IPC. Similarly, the revisional Court had rightly held that even the ingredients of the offence under Section 193 IPC were completely missing in the present case as the petitioner had never appeared in judicial proceedings to give false evidence. Still further, the revisional Court has rightly held that the bar contained under Section 195 Cr.P.C., would be attracted in the facts and circumstances of the present case and the Court had wrongly taken cognizance of the offence under Section 177 IPC.

8. I have carefully perused the findings recorded by the Revisional Court and the findings are based on correct appreciation of evidence and law and there is no illegality in the impugned judgment. Finding no merits, the petition is ordered to be dismissed.

14.11.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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