



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

CRR-401-2016

Date of decision: 09.09.2024

Sandeep Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Rishab Tewari, Advocate for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

None for respondents No.2 and 3.

KARAMJIT SINGH, J. (ORAL)

1. The present revision petition has been filed by the petitioner/complainant against the judgment dated 28.09.2015 passed by the Court of Additional Sessions Judge, Amritsar vide which the appeal filed by the petitioner against the judgment dated 22.12.2014 passed by the Court of Judicial Magistrate Ist Class, Amritsar, vide which respondents No.2 & 3 were acquitted by the learned trial Court in a criminal case having FIR No.131 dated 18.08.2011 under Section 420 IPC and under Sections 37, 51, 52, 63-A, 68-A of Copy Right Act, Police Station Sultanwind, Amritsar, was dismissed.

2. The brief facts of the case of prosecution are that on 18.08.2011, complainant Sandeep Kumar gave complaint with allegations that he has been appointed by MSM Discovery Private Limited having its Regional Office at Unit 5,6,7 and 8 Time Tower, Ground Floor, MG Road, Gurugram, to stop illegal broadcasting/screening of T.V. Channels by private persons. Today, he received information that M/s God Father Cable Connection, its partner Gurdev Singh Bhullar and his employees and Sub-operator Baljinder Singh were unauthorizedly broadcasting T.V. Channels



without permission of MSM Discovery Private Limited, by collecting money from public at large and there by causing heavy financial loss to the company and government as well. On the basis of the said complaint, the FIR was registered by the police against respondents No.2 and 3. The premises of the accused persons were raided and certain devices and equipments used in broadcasting of T.V. Channels were taken into possession. After completion of investigation, police presented challan.

3. Prima Facie case being made out, charges were framed against respondents No.2 and 3 under Section 420 IPC and under Sections 63 and 68-A of the Copy Right Act to which the accused pleaded not guilty and claimed trial.

4. In order to bring home guilt of the accused, the prosecution examined PW-1 Kahan Singh resident of Sri Guru Arjandev Nagar who stated on oath that he did not know accused Baljinder Singh and Gurdev Singh present in the Court and was declared as hostile witness and was cross-examined by the State counsel but he failed to support the case of prosecution. PW-2 Kamaljit Kaur stated that she had taken cable connection from M/s God Father Communication and is paying Rs.250/- per month as charges.

5. Prosecution availed number of opportunities but failed to examine any other witness and finally the prosecution evidence was closed by order by the trial Court.

6. The statements of accused under Section 313 Cr.P.C were recorded wherein entire incriminating evidence was put to them but they pleaded false implication and innocence. The accused had not led any evidence in their defence.

7. After taking into consideration the submissions made by counsel for both the parties, the learned trial Court acquitted respondents No.2 and 3 vide judgment dated 22.12.2014. Being aggrieved, the complainant filed appeal and the same was dismissed by the Court of Additional Sessions Judge, Amritsar vide judgment dated 28.09.2015. Still being not satisfied, the petitioner/complainant has filed the present revision petition.



8. The counsel for the petitioner while assailing the impugned judgments submits that the learned trial Court and the Court of Additional Sessions Judge, fell into error and passed the impugned judgments without properly appreciating the evidence available on the record. It is further submitted that in the appeal, petitioner filed application under Section 311 Cr.P.C to lead additional evidence but the same was dismissed by the first Appellate Court vide separate order. It is further submitted that the petitioner be given one opportunity to lead evidence by invoking provision of Section 311 Cr.P.C. It is further submitted that the present petition be allowed and the impugned judgment may be set aside with direction to the trial Court to record additional evidence and then to decide the case afresh.

9. The State counsel also argued on the same lines.

10. I have considered the submissions made by counsel for the petitioner.

11. Admittedly, no revision petition was filed by the petitioner against the order whereby application filed by him under Section 311 Cr.P.C was dismissed by the Court of Additional Sessions Judge, Amritsar.

12. From the perusal of the judgment dated 22.12.2014 passed by the trial Court, it is evident that present petitioner failed to appear in the witness box despite availing number of opportunities. It also appears that the concerned devices and instruments which were used unauthorizedly by the accused persons for broadcasting of T.V channels were not produced in the Court during the trial. Only two private persons were examined on behalf of the prosecution to prove its case against the accused persons. One of them namely PW-1 Kahan Singh failed to support the case of prosecution. Further, it has been observed by the Court of Additional Sessions Judge that PW-2 stated in her deposition that the cable connection in question was not provided to her by respondents No.2 and 3. From the perusal of the judgment passed by the Court of Additional Sessions Judge, Amritsar dated 28.09.2015, it could not be made out that any prayer was made before the said Court to re-open the case with liberty to the petitioner/prosecution to produce additional evidence. The said prayer made by the petitioner for the first time, at this belated stage is not permissible

and is accordingly rejected. Further, the law presume double presumption in favour of the accused who was acquitted by the learned trial Court and further, the said order of acquittal was upheld by the Court of Additional Sessions Judge.

13. In light of the above discussion, no ground for interference is made out in the present revision petition filed by the petitioner/complainant.

14. Consequently, the present revision petition is hereby dismissed being devoid of merits.

09.09.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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