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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.REV.P. 195/2015 and CRL.M.A. 4692/2015**

EMMANUEL SINGH

.....Petitioner

Through: Mr. Ajit Singh, Advocate

versus

THE METHODIST CHURCH IN INDIA

TRUST ASSOCIATION &ANR

.....Respondents

Through: Mr. Nalin L. Sahai, Adv. for R-1.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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30.08.2024

1. This petition has been filed assailing the impugned judgment dated 2nd March 2015, passed by the Special Judge, Central District, Tis Hazuari Courts, Delhi dismissing an appeal under Section 374 Cr.P.C. filed by the petitioner, challenging judgement dated 12th September 2015 and order on sentence dated 16th September 2015, passed by the ACMM.

2. The petitioner was convicted for offence punishable under section 630 of the Companies Act and sentenced to pay a fine of Rs.1.000/- per month, with effect from February 2004 to September 2014. It was directed that in case the petitioner vacates the quarter within time, the fine will not be recovered. Further directions were passed in relation to the period which the petitioner takes to vacate the said quarter.

3. The issue arose relating to the quarter occupied by the petitioner which belonged to the respondent-Trust. The properties of the Methodist Church of India are held by the Methodist Church of India Trust Association (the respondent herein). The petitioner admittedly joined in 1964 in the Methodist



Engineering Office and was given a house bearing No. 4 at 16 Boulevard Road, Delhi- 110054, during his employment with the complainant. The petitioner retired from service on 31st December 2003, however, continued to occupy the house.

4. The Trust became a corporate entity in 1986. Accordingly, complaint was filed under Section 630 of the Companies Act which imposes a penalty for wrongful withholding of property by an employee of the company. As per the order of the ACMM dated 12th September 2014, it was noted that the petitioner himself had admitted in his cross-examination that he was working as supervisor in the Methodist Engineering Office of the Complaint Trust Association and had retired in December 2003, and also admitted that he was not the owner of the property, but was only an occupier. On this basis, and after traversing the evidence, the petitioner was convicted.

5. The impugned order, which assessed the matter yet again in the appeal, has traversed in detail the evidence and considered the perspectives and contentions of the parties. The Court has perused the impugned order and finds no infirmity or illegality in the same.

6. The Court is not obliged to re-appreciate the evidence at this stage of revision, as held by a Coordinate Bench of this Court in *Tarun Mohan v. State* (2021) SCC OnLine Del 312 and a decision by the Supreme Court in *Malkeet Singh Gill v. State of Chandigarh* (2022) 8 SCC 204.

7. Petition is accordingly dismissed along with the pending applications.

8. Order be uploaded on the website of this Court.

ANISH DAYAL, J

AUGUST 30, 2024/sm