IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRR-150-2020, CRR-155-2020, CRR-159-2020
CRR-160-2020, CRR-161-2020, CRR-163-2020
CRR-199-2020, CRR-203-2020, CRR-205-2020
CRR-207-2020, CRR-215-2020, CRR-223-2020

Date of decision: 05.04.2025

Bathinda Central Cooperative Bank Ltd. .....Petitioner

Versus

State of Punjab and another .....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Deepak Aggarwal, Advocate
for the petitioner in all cases.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. H.P. Singh, Advocate
for respondent No.2 in all cases.

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MANJARI NEHRU KAUL, J.

1. This order shall dispose of above referred Criminal Revisions as they all arise out of the same impugned order dated 05.10.2019 passed by learned Additional Sessions Judge, Bathinda, whereby the conviction of respondent No.2-Vijay Kumar by the learned Judicial Magistrate 1st Class, Bathinda vide judgment of conviction and order of sentence dated 04.07.2017, was set aside, and similar questions of facts are involved in all the petitions.

2. The instant revision petitions arising from a common FIR No.886 dated 12.11.2018 under Sections 420, 465, 467, 468, 471, 201, 120-B of the IPC, registered at Police Station Kotwali, Bathinda, pertain to allegations of large scale embezzlement of bank funds by

respondent No.2-Vijay Kumar, a Peon employed at Bhatinda Central Cooperative Bank Limited (complainant). The revision petitions concern varying sums allegedly misappropriated from multiple accounts between the years 2003 and 2008, the details of which are as under:-

SN	CRR number and year	Account number/holder name	Amount involved
1.	150/2020	4977/Mahesh Kumar	Rs.50,000/-
2.	155/2020	4365/Sadhura Singh	Rs.65,000/-
3.	159/2020	4259/Raja Singh	Rs.85,000/-
4.	160/2020	4977/Mahesh Kumar	Rs.1,00,000/-
5.	161/2020	His own OD Limit	Rs.35,000/-
6.	163/2020	3272/Gurmeet Singh 3004/Baldev Singh 3298/Jasbir Singh	Rs.50,000/- Rs.65,000/- Rs.85,000/-
7.	199/2020	4194/Rakesh Kumar	Rs.65,000/-
8.	203/2020	3010	Rs.82,000/-
9.	205/2020	4175/Amarjeet Singh 4278/Parmila Devi	Rs.65,000/- Rs.65,000/-
10.	207/2020	4259/Raja Singh	Rs.2,35,000/-
11.	215/2020	4259/Raja Singh	Rs.75,000/-
12.	223/2020	4498/Jhabar Mal	Rs.10,900/-

3. The case of the case of the prosecution is rooted in a written complaint dated 12.11.2008 lodged by PW-1 Karamjit Singh Dhillon, the then Branch Manager, alleging that respondent No.2-accused committed serious financial fraud. It was alleged that discrepancies in account No.4977 (Mahesh Kumar) revealed an unauthorized entry of Rs.70,000/- and further inquiries uncovered fraudulent manipulation of records at the instance of the respondent.

4. The internal inquiry by the bank initially pegged the fraud at Rs.5 lakhs, withdrawn through forged checks and documents allegedly prepared by respondent No.2 and cleared by Baljit Singh (later acquitted). Respondent Vijay Kumar is said to have admitted guilt and repaid Rs.5,20,000/- in two instalments. Subsequently, an internal committee of the bank estimated total embezzlement at Rs.99,92,280/- between 2003 and 2008, allegedly perpetrated by respondent No.2 in collusion with Baljit Singh. The committee also noted that numerous checks and withdrawal slips were destroyed by the accused to conceal the fraud.

5. Following the investigation, a charge sheet was filed and charges were framed. The prosecution examined several witnesses, including, PW-1 Karamjit Singh Dhillon (complainant/Branch Manager), PW-2 Gurdarshan Singh (Retd. Manager), PW-3 Retd. ASI Sham Lal (Investigating Officer), PW-5 Devinder Kaur (Assistant Manager), PW-6 Gian Singh (Retd. Assistant Manager), PW-7 Labh Singh (Manager) and PW-8 Sanjeev Sharma (handwriting and fingerprint expert).

6. Despite these witnesses being examined, the prosecution failed to conclude its evidence, and by judicial order, the prosecution evidence was closed. Respondent No.2 in his statement recorded under Section 313 of the Cr.P.C., denied the allegations and tendered certain documents in defence.

7. Learned Trial Court vide judgment and order dated 04.07.2017 convicted respondent No.2 primarily on the basis of alleged

confessional letters addressed by him to the Branch Manager.

8. In appeal, the learned Additional Sessions Judge, Bathinda, set aside the conviction and acquitted respondent No.2 on several critical grounds : (i) the original inquiry report prepared by the bank was not placed on record; (ii) the alleged confessional statements of the respondent were not proved through primary evidence; (iii) the handwriting expert did not verify the handwriting of the respondent on the disputed withdrawal forms or vouchers; (iv) no independent or corroborative evidence proved the fraudulent manipulation of the records of the bank by the respondent.

Submissions Made by Learned Counsel for the Revisionist-Bank

9. Learned counsel has contended that the learned Appellate Court erred in acquitting respondent No.2 by focusing only on isolated parts of the cross-examination of prosecution witnesses, and ignoring their main testimony. Learned counsel has further submitted that PW-1 Karamjit Singh Dhillon categorically deposed that respondent No.2 was entrusted with access to the premises of the bank and records, and had confessed his wrongdoing; the internal audit conducted by the committee revealed substantial embezzlement linked to respondent No.2, corroborated by PW-2 Gurdarshan Singh. Further PW-4 Gurmail Singh, identified specific withdrawals exceeding the sanctioned OD limit. Still further, PW-5 Devinder Kaur stated that respondent No.2, due to staff shortage, was given responsibilities beyond his post, including preparation and manipulation of entries in the ledger. Vouchers bore the handwriting of respondent No.2 and forged

signatures of account holders. Respondent No.2 misclassified income entries to inflate account balances, thereby causing financial loss to the bank.

Submissions of Respondent No.2/Accused

10. *Per contra*, learned counsel has argued that the acquittal by the learned Appellate Court was justified and founded on sound legal principles. Learned counsel has pointed out that no original records or personal ledgers of account holders were produced. Further, the prosecution failed to substantiate its claim of entrusting respondent No.2 with duties beyond those of a Peon. Furthermore, withdrawals required compliance with due procedure involving multiple layers of verification. Still further, the alleged confessional letters were mere loose papers without authentication, and no handwriting verification was conducted; respondent No.2 was in custody when his signatures were allegedly obtained, raising serious doubts about the voluntariness of the confession. Moreover, PW-5 Devinder Kaur and the investigating officer both admitted that bank records were maintained in computerized form and were intact, contradicting the allegation of destruction of documents. The inquiry committee lacked independence as its members were colleagues of respondent No.2 at the same branch. Lastly, withdrawal from the OD account of respondent No.2 was done without proper authorization, and he was not the signatory to such withdrawals.

11. I have heard learned counsel for the parties and perused the relevant material on record.

12. Having carefully perused the record and considered the rival submissions, this Court has no hesitation to hold that the learned Appellate Court rightly acquitted respondent No.2. The findings of the learned Appellate Court are based on sound reasoning and the fundamental principles of criminal jurisprudence.

13. Criminal liability, particularly in cases involving allegations of misappropriation or fraud, must rest on clear and cogent evidence. In the present case, the prosecution failed to produce the original confessional letters allegedly written by respondent No.2, nor did it subject them to expert handwriting analysis. The absence of primary evidence fatally undermines the evidentiary value of the so-called confessions. No independent witness has corroborated that the accused voluntarily made any such admission.

14. Moreover, the internal inquiry reports, forming the bedrock of the case of the prosecution, were not even produced in their original form. The fact that the committee comprised members of the same branch where the respondent was posted, raises legitimate doubts about the objectivity of the findings. The settled legal position is that confessions or incriminating documents must be proved through the best evidence available. In the absence of such proof reliance upon loose unauthenticated papers, is wholly misplaced.

15. It is also significant that the case of the prosecution qua forged withdrawals lacks essential corroboration. No handwriting expert conclusively identified the handwriting or signatures on the forged withdrawal forms. Additionally, the role of respondent No.2 as a

peon is relevant—the prosecution did not satisfactorily establish how and under what authority he could have carried out complex ledger entries, OD disbursements, or bank accounting procedures without the connivance of superior officers, many of whom were either not charged or were acquitted. The allegation of withdrawal from his OD account too stands unsupported by reliable and independent documentary evidence.

16. The learned Appellate court has rightly concluded that the burden resting on the prosecution has not been discharged to the standard required in a criminal trial. The presumption of innocence, strengthened by the order of acquittal, cannot be displaced in the absence of compelling and credible evidence.

17. In view of the foregoing discussion, this Court is of the considered view that the impugned order does not suffer from any illegality and this Court finds no merit in the instant petitions which stand dismissed accordingly.

18. A photocopy of this order be placed on the files of other connected cases.

05.04.2025 **(MANJARI NEHRU KAUL)**
Vinay **JUDGE**

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