



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

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**CRM-20280-2014 in/and  
CRM-A-1048-MA-2014  
Date of decision: 15.07.2025**

Singara Singh

.....Applicant/Appellant

Versus

Mewa Singh

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Parveen Moudgil, Advocate  
for the applicant/appellant.

Mr. Rajinder Mathur, Advocate  
for the respondent.

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**MANJARI NEHRU KAUL, J.**

1. This order shall dispose of the present application seeking leave to appeal against the judgement dated 01.10.2012 passed by learned Sub Divisional Judicial Magistrate, Narwana, whereby the respondent-accused was acquitted of the charges framed against him in Complaint under Sections 166/167/196/204/218/466/467/471 of the IPC. The applicant had earlier assailed the said judgement before the learned Sessions Judge Jind, by way of a Criminal Appeal, which came to be dismissed on 01.11.2013, on merits. Aggrieved thereby, the applicant has now approached this Court seeking leave to appeal along with an application for condonation of delay of 509 days in filing the present application for leave to appeal.

2. Learned counsel for the applicant submits that the delay in filing the present application was neither deliberate nor intentional but



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occurred solely on account of the applicant acting on legal advice rendered to him at the time. It is submitted that the applicant has pursued the remedy of appeal with due diligence and in good faith, first by challenging the judgement before the lower Appellate Court and now by approaching this Court seeking leave to appeal.

3. It has been contended that both the learned Trial Court as well as the Appellate Court gravely erred in acquitting the respondent-accused by failing to appreciate the evidence placed on record. It has been further emphasized that the applicant had supported his allegations with cogent documentary evidence including Ex.CW1/A, Ex.CW1/B and the departmental enquiry report Ex.CW1/DA, all of which, it is argued, clearly demonstrated the misappropriation of revenue records by the respondent-accused. Despite such material, the learned Trial Court erroneously concluded that there was no reliable evidence to attribute exclusive liability to the accused for the tampering with or tearing of the mutation record.

4. Learned counsel, therefore, prays that the delay of 509 days in filing the present leave to appeal be condoned, and that leave to appeal be granted, so as to afford the applicant an opportunity to seek redressal on the merits of the case.

5. *Per contra*, learned counsel for the respondent has vehemently opposed the maintainability of the present application. It has been argued that the present leave to appeal is not only hopelessly delayed but also devoid of any substantial merit, and arises out of an attempt to reagitate issues which have already been conclusively



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adjudicated by the learned Trial Court and Appellate Court.

6. Referring to the application for condonation of delay, learned counsel submits that the delay of 509 days is not only inordinate but also wholly unjustified. It has been asserted that the applicant cannot now be permitted to take advantage of his own negligence, especially when no compelling reason has been placed on record to justify such delay.

7. Learned counsel has further submitted that the applicant has already exhausted his statutory remedy by filing a regular appeal before the learned Sessions Judge, Jind, which was duly dismissed on 01.11.2013. In light of this, the present leave to appeal stands barred. In support of his contentions, learned counsel has relied upon Annexure A-1, which pertains to the filing and dismissal of the earlier appeal.

8. On merits, learned counsel for the respondent-accused has argued that the allegations against the respondent-accused were speculative and unsupported by any credible evidence. It has been contended that the land in question had been purchased by the complainant as far back as 19.12.1992, yet the process for sanctioning of mutation was initiated only in 1998, thereby creating doubts regarding the *bonafides* of the complaint. Moreover, it has been contended that the vendor of the complainant had sold land in excess of his actual share, which led to the subsequent cancellation of the mutation, and that the respondent-accused had no exclusive role in the said act.

9. This Court has carefully considered the rival submissions



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and perused the material on record.

10. It is an admitted position that the applicant had earlier filed a criminal appeal against the judgement of acquittal dated 01.10.2012, which was dismissed by the learned Sessions Judge, Jind, on 01.11.2013. The dismissal was not on technical grounds but on merits of the case.

11. Further, it is not in dispute that the complainant had purchased the subject land on 19.12.1992, and mutation in respect thereof was sanctioned only on 24.01.1998. In the interim, a departmental enquiry was conducted culminating in a finding of misconduct against the respondent-accused, who was subjected to departmental punishment by the competent authority vide order dated 01.07.2005. However, the present complaint was instituted much later, on 20.08.2007, raising questions as to the timing and intention behind the initiation of criminal proceedings.

12. The learned Trial Court, while acquitting the respondent-accused, had rightly observed that the evidence on record was insufficient to prove beyond reasonable doubt that the accused alone was responsible for the tampering or tearing of the revenue record. This Court concurs with the reasoning given by the learned Trial Court. The findings of the departmental enquiry, though adverse to the respondent-accused, cannot be the sole basis for fastening criminal liability, especially in the absence of corroborative oral or forensic evidence.

13. In view of the above discussion, the applicant has failed to make out any case warranting interference with the findings recorded



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by the learned Trial Court or the Appellate Court. Therefore, the impugned judgement does not suffer from any illegality or perversity so as to call for interference by this Court. Accordingly, instant leave to appeal is hereby dismissed.

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Since leave to appeal has been dismissed on merits, there is no need to pass separate order on the application for condonation of delay of 509 days in filing the leave to appeal; the application seeking condonation of delay also stands dismissed accordingly.

**15.07.2025**

Vinay

**(MANJARI NEHRU KAUL)  
JUDGE**

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