



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

119

CRR-3397-2014(O&M)
RESERVED ON: 08.07.2025
PRONOUNCED ON: 22.08.2025

RANJIT KAUR AND ANOTHER

...APPELLANT

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Suvir Sidhu, Advocate
for the petitioners.

Mr. Jasjit Singh Rattu, DAG Punjab

SANDEEP MOUDGIL, J

1. Prayer

The present revision petition has been preferred against the concurrent finding of the Trial Court as well as Appellate Court dated 03.03.2014 and 11.09.2014 respectively, whereby, the petitioners have been convicted for the commissioning of the offences by the accused persons under sections 420, 465, 467 of IPC, to undergo rigorous imprisonment for a period of 2 years.

2. Facts

The factual matrix culminating in the conviction of the petitioners reveals that forged copies of a judgment and decree of divorce were prepared with the intent of facilitating the procurement of a U.S. visa. It is alleged that these forged documents were used as genuine. The forgery came to light during the authentication process, wherein the decree of divorce was found to be fabricated. However, the investigation failed to establish the identity of the

individuals responsible for the preparation of the forged documents. The petitioners, in their defence, have asserted that they had no knowledge of the forgery, as the documents were neither prepared by them nor did they possess any intention to commit a criminal offence. An FIR was registered against the petitioners and they were convicted for the offence by the Trial Court on 03.03.2014 and the appellate court on 11.09.2014. Aggrieved by the said conviction, the petitioners have now preferred a revision against the concurrent judgement.

3. Contentions:

On behalf of the Petitioner

The learned counsel for the petitioner has submitted that the appellate court has erred to take note of the fact that the prosecution has miserably failed to prove its case beyond reasonable doubt. It is further contended that no iota of evidence was placed before the court below substantiating the allegations of involvement of petitioners in preparing forged divorce decree, as no verification nor examination of other signatories regarding passing decrees was conducted, moreover the PW 4 Shri Gurdev Singh who conducted the preliminary inquiry has also admitted that he has not verified as to who prepared the forged decree and how the court stamps and signatures were present on the decree sheet.

The counsel for the petitioner vehemently argues that there is no evidence to establish knowledge of forgery to the accused persons because even the investigation, as admitted, by the investigating officer has not identified the persons responsible for the creation of the forged documents, and no material evidence has been adduced to demonstrate that the petitioners

had prior knowledge of the forged nature of the said documents or had any intention (*mens rea*) to use the same for any fraudulent or unlawful purpose.

It is further submitted that the conviction is premised on assumptions and inferences rather than on credible or legally admissible evidence, and as such, the trial court committed a manifest error in recording a finding of guilt and that the benefit of doubt must be extended to the accused where the prosecution case suffers from material inconsistencies or insufficiency of evidence.

On behalf of the State

Per contra state counsel would vehemently argue that the trial court as well as the Appellate court has rightly convicted the accused persons as they have tried to play fraud upon the court by preparing a forged divorce decree and using the same as genuine to obtain a USA visa. And further more the high court has very limited scope of intervention on the present matter being a revision petition as there is a concurrent finding against the accused persons.

Analysis

Heard

Given thoughtful consideration, this court is of the view that normally, the High Court does not interfere with the concurrent findings of the fact of the courts below in the absence of very special circumstances or gross errors of law committed by the Trial Court. But, where the lower Court ignores or overlooks and misapplies the well established principles of criminal jurisprudence on appreciation of circumstantial evidence and refuses to give benefit of doubt to the accused despite facts apparent on the face of the record or on its own finding or tries to gloss over them without giving any reasonable

explanation which results in serious and substantial miscarriage of justice to the accused, it is the duty of this Court to step in and correct the legally erroneous decision of the Courts below.

The facts of the present case clarify that even though the petitioners submitted decree of divorce at the Embassy in order to avail a US Visa which upon authentication check turned out to be forged yet no proof or appreciation of evidence was led to establish as to who was the person involved in forged decree. Moreover, there is another important circumstance which throws a serious doubt on the prosecution story as even the verification report of the forged documents was not made part of the judicial record.

Moreover, the Petitioners contend that their conviction was under Sections 465, 467, and 420 of the IPC, but notably not under Section 471. This distinction further supports their claim that they lacked knowledge of the forgery and were unaware of the authenticity of the documents submitted. As such, it reinforces the argument that there was no “fraudulent intention” on the part of the petitioners. In the present case, since the Petitioners were not aware of the forgery of the divorce decree and acted under the bona fide belief that the document was genuine, they cannot be held liable for the offence of forgery. It is pertinent to note that Sections 465 and 467 of the IPC pertain specifically to the act of creating a forged document by the accused. However, the material on record does not indicate any involvement of the Petitioners in the preparation or fabrication of the alleged forged documents, nor does it establish that they were the authors thereof.

In the absence of any cogent evidence identifying the makers of the forged documents, and given the failure to establish the commission of any offence under Section 471 IPC by the accused, the conviction and liability

under Sections 420, 465, and 467 IPC cannot be sustain in law and are liable to be set aside as by no stretch of imagination the petitioners could have suspected the authenticity of the documents alleged to have been forged and no evidence was led to establish the involvement of the present petitioners in the making of the forged document.

This court is conscious of the well settled position of law that the general burden of establishing the guilt of accused is always on the prosecution and it never shifts. The prosecution is under obligation to establish that the petitioner not only had knowledge, but also had reason to believe that the decree of divorce submitted by the petitioners is a forged one.

However, in the light of the infirmities pointed out above, the prosecution has failed to establish the commission of the offence under Section 420, 465, 467 I.P.C. on the part of the petitioner beyond any reasonable doubt and consequently, the benefit of doubt shall enure in favour of the petitioner. It is worth noticing that in cases where the evidence is of a circumstantial nature, the circumstances from which the conclusion of guilt is to be drawn should in the first instance be fully established and all the facts so established should be consistent only with the hypothesis of the guilt of the accused. There must be a chain of evidence so far complete as not to leave any reasonable ground for a conclusion consistent with the innocence of the accused and it must be such as to show that within all human probability the act must have been done by the accused persons.

5. Conclusion

In these circumstances, therefore, there is no evidence at all to show that the accused persons know or had reason to believe that the divorce decree was a forged document and with this requisite knowledge they had submitted

the divorce decree at the Embassy while applying for the Visa, and thus fraudulent intention clearly lacks on the part of the petitioners. Consequently this court set aside the judgement of conviction passed by Trial Court as well as Appellate Court dated 03.03.2014 and 11.09.2014 respectively as the same suffers from material inconsistencies and procedural illegality.

Accordingly, the present revision petition is allowed.

No order as to costs.

22.08.2025

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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*