



CRR-1988-2019 (O&M)

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

**CRM-24053-2019 in/&
CRR-1988-2019 (O&M)**

Tej Ram

....Petitioner

V/s

Jahul and another

....Respondents

Date of Reserve: 07.05.2026**Date of Pronouncement: 11.05.2026****Date of Uploading : 11.05.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Ashok Kaushik, Advocate for the petitioner.

SUMEET GOEL, J. (Oral)**CRM-24053-2019**

Instant application, under Section 5 of the Limitation Act has been filed seeking condonation of delay of 06 days in filing the instant revision petition.

For the reasons mentioned in the application, the same is allowed. The delay of 06 days in filing the instant revision petition is hereby condoned.

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1. The petitioner seeks interference with concurrent findings recorded by the learned Trial Court dated 15.02.2016 and affirmed by the learned Appellate Court dated 19.11.2018, whereby respondent No.1 - Jahul was acquitted of the charges under Sections 406, 420 and 120-B IPC.



2. For clarity and simplicity, the revisionist-petitioner, who has lodged the FIR, will be referred to as the 'complainant' while respondent No.1, (the accused in the FIR), will be referred to as the 'accused' throughout this judgment.

3. The factual matrix of the case, in brief, is that the petitioner-complainant Tej Ram, a farmer, had purchased a tractor bearing registration No. HR-52A-2448 after obtaining loan from Punjab National Bank, Hodal. It has been alleged that one Sharif Ahmad introduced respondent No.1 - Jahul to the complainant and represented that co-accused Mohd. Arbi used to take tractor trolleys on rent and pay ₹15,000/- per month. According to the complainant, respondent No.1 and co-accused Mohd. Arbi induced him to hand over his tractor trolley and obtained his thumb impressions on certain documents, contents of which were not known to the complainant because it was written in English. Subsequently, the complainant came to know that co-accused Mohd. Arbi had been arrested in another criminal case and several tractors had been recovered from his possession but the tractor of the complainant could not be recovered. On the basis of these allegations, FIR No.47 dated 30.01.2009 under Sections 406, 420 and 120-B IPC was registered at Police Station Hodal against the accused persons. After the completion of investigation, challan was presented. During trial, co-accused Mohd. Arbi and Sunil were declared proclaimed offenders, whereas Jahul (respondent No.1 herein) faced trial. The learned trial Court, after appreciating the oral and documentary evidence, acquitted respondent No.1 by holding that there was no cogent evidence establishing his



accused Mohd. Arbi. Being aggrieved by the said judgment of acquittal, the petitioner-complainant had preferred an appeal which too was dismissed by the learned Additional Sessions Judge, Palwal, thereby affirming the findings recorded by the Judicial Magistrate First Class.

3.1. The complainant, aggrieved by the findings of both the Courts below, has now invoked the revisional jurisdiction of this Court, seeking re-examination of the findings on the ground that the same are based on misappreciation of evidence and procedural irregularities. However, it is well-settled law that the scope of revision is limited and does not entail a re-appreciation of evidence unless there is a manifest illegality or a serious miscarriage of justice.

4. Learned counsel for the petitioner has iterated that both the Courts below have failed to appreciate the evidence in its correct perspective and has wrongly discarded the testimony of the complainant and prosecution witnesses. Learned counsel has further iterated that the respondent No.1 has actively persuaded the complainant to hand over the tractor trolley and thereby facilitated the commission of cheating by co-accused Mohd. Arbi. It has been further contended that the affidavit produced by respondent No.1 during defence evidence was false and concocted and both the Courts below have erred in treating him as a mere witness to the agreement. It has been further contended that the prosecution evidence was consistent and sufficient to bring home the guilt of the accused and the minor discrepancies, if any, ought not to have been made the basis for the acquittal. It has been further contended that the judgments



contrary to the established principles of law, as it disregards the facts, circumstances and evidence that clearly substantiate the case of the prosecution. On the strength of these submissions, it has been prayed that the instant revision petition be allowed.

5. Since this Court has proceeded to adjudicate upon the petition in hand, at *limine* stage as also the nature of order being passed, this Court does not deem it appropriate to issue notice to respondents or to seek reply from the said respondents as no further proceedings and/or pleadings are required.

6. I have heard the learned counsel for the petitioner and have gone through the record with his assistance.

7. At the outset, it is pertinent to mention herein that the revisional jurisdiction is distinct from appellate jurisdiction, as it does not involve re-evaluating the evidence or re-appreciating the findings of fact. The revisional Court primarily examines whether the order of Court(s) below suffers from legal infirmities, procedural irregularities, or lack of propriety. Revisional powers aim to correct substantial errors or prevent miscarriage of justice, not to act as a substitute for an appeal. Hence, the scope is limited and discretionary. It is pertinent to mention herein that while adjudicating an appeal against an order of acquittal, the appellate Court operates within the circumscribed framework. The appellate Court is precluded from engaging in a wholesale re-appreciation or reassessment of evidence unless the conclusions drawn by the trial Court are patently perverse, unreasonable or unsupported by the record. The principles



the judgment of acquittal, have been laid down by the Hon'ble Supreme Court in the judgment passed in the case titled as ***Babu Sahebagouda Rudragoudar and others versus State of Karnataka, 2024 INSC 320=2024(2) Law Herald (SC) 928*** held as under:

“39. Thus, it is beyond the pale of doubt that the scope of interference by an Appellate Court for reversing the judgment of acquittal recorded by the trial Court in favour of the accused has to be exercised within the four corners of the following principles:-

(a) That the judgment of acquittal suffers from patent perversity;

(b) That the same is based on a misreading/omission to consider material evidence on record;

(c) That no two reasonable views are possible and only the view consistent with the guilt of the accused is possible from the evidence available on record.”

The underlying principles, as discussed above, are broadly to be followed in a revision against an order of acquittal also. Thus, the present revision petition must be examined in context and after drawing guidance from the aforementioned principles.

8. In the present case, the entire case of the prosecution against respondent No.1 rests upon the allegation that he introduced the complainant to co-accused Mohd. Arbi and persuaded him to hand over the tractor trolley to be used on rent of ₹15,000/- per month. However, in the considered opinion of this Court mere introduction or presence at the time of execution of the agreement cannot, by itself, establish the ingredients of offences punishable under Sections 406, 420 or 120-B IPC unless there is convincing evidence showing dishonest intention from the inception or active participation on the part of respondent No.1 in the alleged conspiracy.



regarding hiring of the tractor trolley was admittedly executed between the petitioner-complainant Tej Ram and co-accused Mohd. Arbi. Even prosecution witness i.e. Shriram has admitted that respondent No.1 and Sharif Ahmad had signed the agreement merely as attesting witnesses. No document has been produced to establish that respondent No.1 has assumed responsibility or liability under the said agreement. The prosecution has also failed to prove that respondent No.1 received any monetary benefit or has custody of the tractor trolley at any point of time. Therefore, the offence under Sections 406, 420 or 120-B of IPC against respondent No.1 is not made out. In the considered opinion of this Court the learned trial Court has rightly observed that there was no evidence on record which reflect that respondent No.1 has acted in conspiracy with co-accused Mohd. Arbi.

9. The essential ingredient of criminal conspiracy under Section 120-B IPC is a prior meeting of minds and an agreement to commit an illegal act. In the present case, no such evidence has come on record. Similarly, for an offence under Section 420 of IPC, dishonest intention at the inception of the transaction is a *sine qua non*. The prosecution has failed to establish that respondent No.1 possessed such fraudulent intention when the complainant has entered into the agreement with co-accused Mohd. Arbi. The evidence further reflects that the co-accused Mohd. Arbi and Sunil were the principal beneficiaries of the alleged transaction and were subsequently declared proclaimed offenders. The learned trial Court was, thus, justified in drawing a distinction between the role attributed to the accused persons and the role allegedly played by respondent No.1. It cannot



complainant to co-accused Mohd. Arbi or has signed as a witness does not automatically make him liable for the fraudulent acts committed by the main/principal accused i.e. Mohd. Arbi and Sunil. Moreover, this Court also finds merit in the observations of the learned trial Court that the complainant has tried to improve his version during trial by alleging that the agreement was executed between him and respondent No.1 whereas the documentary evidence clearly reflect otherwise. In the considered opinion of this Court, such material contradictions create serious doubt regarding the prosecution case and the benefit thereof must necessarily go to the accused.

10. It is a well established principle in criminal jurisprudence that the burden of proof rests squarely upon the prosecution, which must establish the guilt of the accused beyond reasonable doubt. Any failure to meet this standard, particularly when key evidence is either missing or questionable, entitled the accused to the benefit of doubt. It has been consistently held that suspicion, however grave, cannot substitute for proof and where there exists any reasonable doubt, the benefit of such doubt must be given to the accused person and he must be acquitted in accordance with law. In light of the above discussed discrepancies and inconsistencies, it can safely be inferred that the case put forth by the prosecution is false and there is no evidence of record to substantiate the same. Where the prosecution itself has failed to substantiate its case beyond reasonable doubt, as has happened in the case in hand, the defence, if any, raised/pleaded by the accused recedes into the background and rather becomes immaterial. The eagerness of the complainant to involve respondent No.1 (herein) through



vague and general accusations suggests an attempt to implicate them, regardless of his actual involvement, in an effort to harass them.

11. It is a settled principle of criminal jurisprudence that an accused is presumed innocent unless proved guilty beyond reasonable doubt. Once an order of acquittal has been recorded, the presumption of innocence stands further strengthened. Revisional jurisdiction cannot be exercised merely because another view is possible on the basis of evidence. Unless the findings recorded by the Courts below are manifestly illegal, perverse or wholly unsupported by evidence, interference is unwarranted. In the present case, both the Courts below have thoroughly appreciated the evidence and arrived at a well-reasoned conclusion that the prosecution has failed to establish the guilt of respondent No.1 beyond reasonable doubt.

12. In the facts and circumstances of the entire case coupled with the fact that the allegations are vague and general in nature, both the Courts below have rightly arrived at the conclusion that the story put forth by the prosecution was false and the allegations raised lack substance. The facts of the case clearly narrate that the complainant has intentionally tried to conceal the real genesis of the case. However, both the Courts below, have meticulously and judiciously examined the matter, appreciating the facts and evidence in their proper context. Both the Courts below have rightly discerned the attempt of the prosecution to distort the narrative and have delivered the findings based on through evaluation of the material on record. No material illegality, perversity or misreading of evidence has been pointed out so as to warrant interference by this Court in exercise of its revisional

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13. In view of the prevenient ratiocination, this Court is of the considered opinion that the petitioner-complainant has failed to prove its case beyond reasonable doubt and the judgments of acquittal passed by the Courts below do not call for any interference. Consequently, the present revision petition being devoid of merit is hereby dismissed. The judgments/orders dated 15.02.2016 and 19.11.2018 passed by the learned Courts below are affirmed.

14. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

May 11, 2026

Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No