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

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Reserved on: 09.02.2026.

Pronounced on: 25.03.2026

RANBIRA NAND MAHARAJ

..... PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Vijay Kumar Sheoran, Advocate
for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

Mr. Aditya Sanghi, Advocate &
Mr. Saurabh Sharma, Advocate
for the complainant.

SURYA PARTAP SINGH. J.

1. By virtue of this petition under Section 482 of Code of Criminal Procedure Code the extraordinary jurisdiction of this Court has been, invoked by the petitioner, for setting aside the order dated 22.07.2022 passed by learned Additional Sessions Judge, Narnaul, hereinafter being referred to as 'Revisional Court'. The above-mentioned order has been passed in a revision petition filed by the respondent No.2.

2. By virtue of above-mentioned order, hereinafter being referred to as impugned order, the learned 'revisional court' has set aside the order dated



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11.06.2013 passed by the Court of learned Judicial Magistrate 1st Class, Narnaul, hereinafter being referred to as trial Court.

3. In nut-shell the facts emerging from record are that, that for the commission of offence punishable under Sections 193, 196, 120B of Indian Penal Code a complaint was filed by the respondent No.2/complainant, hereinafter being referred to as respondent No.2 only against the petitioner/accused, hereinafter being referred to as petitioner only.

4. In addition to petitioner, four more persons were arrayed as accused in the above-mentioned complaint. In the above-mentioned complaint on appreciation of preliminary evidence, adduced by the respondent No.2, the learned trial Court vide order dated 17.10.2016 discharged the petitioner and other accused.

5. Aggrieved of the above-mentioned order dated 17.10.2016 the respondent No.2 filed the revision petition and the learned 'revisional court' vide impugned order allowed the above-mentioned revision petition and remanded the case back to the learned trial Court with a direction to restore the complaint to its original number and pass fresh order on the point of framing of charge. Aggrieved of the above-mentioned order, this petition has been filed.

6. Heard.

7. It has been contended by learned counsel for the petitioner that the impugned order is patently illegal and unsustainable in the eyes of law on two counts, *firstly*, because the revision petition was not maintainable, and *secondly*, because the above-mentioned order is outcome of an error of judgment on the part of learned 'revisional court'.



8. The learned counsel for the petitioner has further contended that in the present case the order passed by the learned trial Court was an order on the point of framing of charge, and that the order passed by the learned trial Court dated 17.10.2016 was a well reasoned order based on proper appreciation of fact as well as law, and therefore, the learned 'revisional court' had got no occasion to interfere into the order passed by the learned trial Court. According to learned counsel for the petitioner otherwise also the impugned order was based on conjectures and surmises, and that the learned 'revisional court' merely on the basis of assumptions and presumptions allowed the revision petition. It has also been contended by learned counsel for the petitioner that otherwise also once the learned trial Court had discharged the petitioner, the above-mentioned order amounted to acquittal of the petitioner, and that against the order of acquittal revision petition was not maintainable.

9. In support of his arguments the learned counsel for the petitioner has referred to the principles of law laid down by this Court in the case of 'Mander Singh and Ors. Vs. Ladi' 2008 151 PLR 510, wherein it was observed that the order of discharge, in that case, by the learned Magistrate, in legal terms amounted to acquittal of the petitioner, and against the order of acquittal revision was not maintainable. In the above-mentioned case, it has been specifically observed that against such order only the 'Special Leave to Appeal' lies under Section 378 Cr.P.C..

10. The learned counsel for the petitioner has also contended that one of the question involved in the present petition is the maintainability of the complaint also, as the cognizance has been taken by the learned trial Court on a private complaint with regard to the proceedings conducted in the Court, and

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therefore, the bar enshrined under Section 195(1)(b)(ii) of Indian Penal Code is attracted. With regard to above, the learned counsel for the petitioner has referred to the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Kailash Mangal Vs. Ramesh Chand' Criminal Appeal No.240 of 2015, wherein it has been laid down that if a false affidavit is filed by a person in a proceeding pending before a Civil Court, it is an offence under Section 193 IPC and for such offence private complaint is not maintainable, in view of the bar laid down under Section 195(1)(b)(i) of Cr.P.C.

11. In view of above-mentioned arguments, the learned counsel for the petitioner has contended that an error of judgment has been committed by the learned 'revisional court' while accepting the revision petition, and therefore, by accepting the present petition, the impugned order be set aside.

12. The above-mentioned arguments have been controverted by learned counsel for the respondent No.2. The learned counsel for the respondent No.2 has contended that in the complaint, itself, there were very specific and categorical allegations against the petitioner and his co-accused that they had created the false documents and the above-mentioned false documents were used in the proceedings before the Court. According to learned counsel for the respondent No.2 once the creation of documents had taken place outside precincts of the Court, the bar under Section 195(1)(b)(ii) could not have come in picture qua such complaint.

13. In support of his above-mentioned arguments the learned counsel for the respondent No.2 has referred to the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Iqbal Singh Marwah and Ors. Vs. Meenakshi Marwah and Ors.' Criminal Appeal No.402 of 2005 AIR 2005

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SSC 2119, and also in the case of 'George Bhaktan vs. Rabindra Lele' 2014(4) RCR (Criminal) 501. The learned counsel for the respondent No.2 has also relied upon 'Ashok Gulabrao Bondre vs. Vilas Madhukarrao Deshmukh and Ors.' Criminal Appeal No.1931 of 2011, and by this Court in the case of 'Ram Mehar and Ors. Vs. The State of Haryana' CRR-1292-2018 and 'Gurbax Ram and Ors. Vs. Hari Dev' CRM-M-43170-2016.

14. With regard to plea that revision petition was not maintainable, the learned counsel for the respondent No.2 has contended that the petitioner was summoned to face a trial before the learned trial Court and the trial conducted by the learned trial Court was a warrant case trial, and therefore, the order dated 17.10.2016, passed by the learned trial Court, with regard to discharge of the petitioner, was an order under Section 245(1) Cr.P.C. and for such order appeal under Section 378(4) Cr.P.C. does not lie. According to learned counsel for the respondent No.2 the revision against the order dated 17.10.2016 was maintainable.

15. In support of his above-mentioned arguments, the learned counsel for the respondent No.2 has referred to the observations made by this Court in the case of 'Atul Kashyap vs. Saroj Bala Sharma and another' CRR No.2140 of 2013, by Gujarat High Court in the case of 'Ulhas Wagh vs. State of Gujarat Criminal' Appeal No.1902 of 2023 and 'R.K. Kanchhal vs. State of Gujarat' Criminal Appeal No.1904 of 2023, by Kerala High Court in the case of 'Neelakandan Namboodiri vs. Narayanan Namboodiri' Criminal Appln. No.572 of 1986 and by Bombay High Court in the case of 'Sashikala vs. Moresh Eknath Jambhulkar' Criminal Appeal No.1481 of 2003.

16. The record has been perused carefully.



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17. Before advertng to any decision in the present case, it shall be appropriate to look into the factual matrix of the case and the events which unfolded in various proceedings pertaining to the present case;-

- on 11.06.2013 the respondent No.2 filed a complaint against the petitioner and four other accused alleging the commission of offence punishable under Sections 193, 196, 120B of IPC;
- on appreciation of preliminary evidence, vide order dated 15.03.2014, the petitioner and his co-accused were summoned to face trial for the commission of aforesaid offences;
- the pre-charge evidence was recorded. In pre-charge evidence, seven witness were examined by the respondent No.2;
- on appreciation of pre-charge evidence vide order dated 17.10.2016, the learned trial Court observed sufficient ground for framing charge against the petitioner and his co-accused was not made out. Thus, the learned trial Court discharged the petitioner and his co-accused, vide above said order;
- the order dated 17.10.2016 was challenged by the respondent No.2 in the Court of Sessions. The revision petition was dealt with by the Court of learned Additional Sessions Judge.



- vide impugned order the learned Sessions Judge accepted the revision petition, and directed the learned trial Court to restore the complaint and pass fresh order with regard to framing of charge, in the light of observations recorded in the impugned order.

18. In the light of above-mentioned factual matrix of the present case, now following points crop-up which are required to be determined;-

- i) Whether revision petition against the order dated 17.10.2016 is maintainable?
- ii) Whether a private complaint with regard to allegations contained in the complaint is maintainable?

19. As far as the first point of determination is concerned, at the very out-set it is pertinent to mention here that the contents of order dated 17.10.2016, itself, makes it clear that the trial being conducted by the learned trial Court was a warrant case trial. In addition to above, the record also shows that once the petitioner and other co-accused were summoned by the learned trial Court, the learned trial Court recorded the pre-charge evidence and on appreciation of pre-charge evidence the learned trial Court passed the order dated 17.10.2016.

20. Since the order of discharge had been passed by the learned trial Court in a warrant case trial, the above-mentioned order of discharge did not amount to acquittal. In this regard this High Court in the case of 'Atul Kashyap' (supra) has specifically observed that discharge of an accused in a warrant case trial does not amount to acquittal and therefore, such an order can be challenged



by filing a revision petition. It has also been observed that the appeal in such a case is not maintainable.

21. Similar views have been taken by the High Court of Kerala in the case of 'Neelakandan Namboodiri' (supra), by Gujarat High Court in the cases of 'Ulhas Wagh' (supra) and 'R.K. Kanchhal' (supra). The Bombay High Court, too, has taken the same view in the case of 'Sashikala' (supra).

22. As far as the principles laid down in the case of 'Mander Singh' (supra), relied upon by the learned counsel for the petitioner, are concerned the same are not applicable to the facts and circumstances of the present case, as in the case of 'Mander Singh' (supra) the order of discharge was passed in a summons case trial, whereas the instant trial is a warrant case trial.

23. As a sequel to above-mentioned observations, it is hereby observed that the order of discharge passed by the learned trial Court, being an order in a warrant case trial, could have been challenged by filing a revision petition in the Court of Sessions, and appeal under Section 378(4) Cr.P.C. was not maintainable against such order. Thus the point of determination No.1 is hereby answered accordingly, i.e. against the petitioner.

24. As far as the point 2nd of determination is concerned, for the determination of the same the factual matrix of the present case is of utmost importance. The allegations in the complaint are that with an intention to grab the disputed property, the petitioner sworned a false affidavit representing therein that he was owner of the property and the accused Nos.4 and 5 inspected the premises, and that accused Nos.2 and 3 furnished the indemnity bonds. As per complaint, the electric connection was got sanctioned in favour of petitioner on the basis of above-mentioned documents. According to respondent No.2,



when he came to know about the execution of forged documents, he served a legal notice upon the respondents No.4 and 5, calling them upon not to issue electric connection in favour of petitioner but the accused Nos.4 and 5 did not bother for the same.

25. The respondent No.2 further alleged that in the civil suit also the petitioner had filed an affidavit claiming himself to be the owner of the property and the documents with regard to installation of electric connection were used to substantiate his claim.

26. The above-mentioned facts of the case shows that allegations against the petitioner were with regard to the offence of forgery, i.e. swearing false affidavit, submission of the same before the authorities of Electricity Board and then using the same in Court proceedings. The above-mentioned facts of the case shows that as per allegations contained in the complaint, the creation of false documents had taken place outside the precincts of the Court. Thus, the observations of Hon'ble Apex Court in the case of 'Iqbal Singh Marwah' (supra) are applicable to the present case, wherein it has been observed that bar enshrined under Section 195(1)(b)(ii) of Code of Criminal Procedure would be attracted only when the offence enumerated in the said provisions have been committed with respect to a document, after it has been produced or given in an evidence in a proceedings in any Court i.e. during the time when the document was in *custodia legies*.

27. In the above-mentioned case, there was a Will which was alleged to be forged one. Since there was no allegation in the above-mentioned case that the offence with regard to above-said Will was committed after it had been produced or filed in the Court of learned District Judge, it was observed by the



Hon'ble Apex Court that bar created under Section 195(1)(b)(ii) of Code of Criminal Procedure would not come into play. As per Hon'ble Apex Court there was no embargo on the power of the Court to take cognizance of the offence on the basis of the complaint filed by the respondents.

28. The above-mentioned view of the Hon'ble Constitution Bench affirmed the earlier view taken by the Hon'ble Supreme Court of India in the case of 'Sachida Nand Singh & Anr. vs. State of Bihar & Anr.' 1998 Cr.L.J. 1565. In the above-mentioned case it was observed by the Hon'ble Supreme Court of India that the bar contained in Section 195(1)(b)(ii) Cr.P.C. would not apply, where forgery of a document was committed before the said document was produced in the Court. In the subsequent judgment, in the case of 'George Bhaktan' (supra), the Hon'ble Supreme Court of India followed the same view.

29. In the case of 'George Bhaktan' (supra) there were allegations that the signature of complainant were forged by the accused and the same was used to seek relief in a civil suit. According to Hon'ble Supreme Court of India once there was no allegation against the accused that the document was forged when the matter was subjudiced before the Civil Court, the cognizance on the basis of private complaint could have been taken.

30. Similar view has been taken by the Hon'ble Supreme Court of India in the case of 'Ashok Gulabrao Bondre' (supra), wherein the view taken by Hon'ble Apex Court in the case of 'Sachida Nand Singh' (supra) has been followed.

31. In the present case once there were allegations that the documents were forged before its presentation before the Court and the same documents were presented before the authorities of Electricity Board for securing electric



connection, merely because the copies of the same documents were produced in the proceedings pertaining to the civil suit, it does not attract the bar enshrined under Section 195 Cr.P.C. In the present case, the learned counsel for the petitioner in support of his arguments has heavily relied upon the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Kailash Mangal' (supra), but the factual matrix of 'Kailash Mangal' (supra) was altogether different as in the case 'Kailash Mangal' (supra) the forged document was produced before the Court and not before any other authority. Thus, factual matrix being altogether different, it is hereby observed that the principles laid down in the case of 'Sachida Nand Singh' (supra) are not applicable to the factual matrix of the present case.

32. As a sequel to above-mentioned observations the point of determination No.2 framed in this case is hereby answered accordingly, i.e. against the petitioner.

33. In the present case, it is relevant to mention here that the learned 'revisional court' on merit also, recorded certain observations and observed that the evidence available on record, was sufficient and good enough for framing of charge against accused Nos.2 to 5 also. Since accused Nos. 2 and 3 were officials of Electric Board, who while relying upon the above-mentioned documents sanctioned electric connection and the accused Nos.4 and 5 were the persons, who had furnished indemnity bonds, there can be a question mark with regard to their involvement in the commission of offence punishable under Sections 193, 196, 120-B of Indian Penal Code. Thus, in view of peculiar facts of this case, it shall be appropriate to issue a direction to the learned trial Court to take a fresh decision with regard to framing of charge on appreciation of



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evidence, uninfluenced by the observations recorded by the learned ‘revisional court’ with regard to merits of the evidence.

34. As a sequel to above-mentioned observations once both the points of determination Nos.1 and 2 have been decided against the petitioner, it is hereby held that the present petition is devoid of merits and deserves dismissal. Hence, the same is hereby dismissed, but with the observations that the learned trial Court shall take a fresh decision on appreciation of pre-charge evidence and for that purpose, the learned trial court shall be uninfluenced by the observations recorded by the learned ‘revisional court’ with regard to merits of the case. The present petition stands **dismissed**, accordingly.

(SURYA PARTAP SINGH)
JUDGE

25.03.2026

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Whether speaking/reasoned	:	Yes
Whether Reportable	:	No