

In the High Court of Punjab and Haryana at Chandigarh

Crl.Misc.No.M- 14410 of 2011 (O&M)

Date of decision: 29.7.2011

Kumbhkaran

.....Petitioner

Versus

Mukhtiar Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr.Gurpreet Singh, Advocate,
for the petitioner.

SABINA, J.

Complainant-petitioner had moved a complaint against the respondents under Sections 420, 468, 471, 120-B of the Indian Penal Code (IPC for short), 1860.

The case of the complainant, in brief, was that he was co-sharer in possession of the land measuring 2035 kanals 15 marlas. Accused No.1 Mukhtiar Singh was posted as Halqa Patwari of the village and he, in criminal conspiracy with the other accused, made wrong entries in the jamabandi for the year 1998-99 in order to deprive the petitioner and other owners of their ownership. The petitioner, in support of his case, led his preliminary evidence and the

accused-respondents were summoned to face trial under Sections 420, 468, 471, 120-B IPC vide order dated 21.9.2005. Thereafter, the petitioner led his pre charge evidence. Vide order dated 3.9.2009, the accused were discharged by the trial Court. Revision petition filed by the petitioner against the said order was dismissed vide order dated 10.6.2010. Hence, the present petition by the complainant.

Learned counsel for the petitioner has submitted that the courts below had erred in discharging the respondents. The petitioner had been successful in proving that all the accused in connivance with each other had made interpolation in the record.

After hearing learned counsel for the petitioner, I am of the opinion that the present petition deserves to be dismissed.

As per the complainant, jamabandi for the year 1993-94 issued by Ram Murthi Patwari did not contain any entry in favour of the father of respondents No.2 to 6. However, in the jamabandi issued by respondent No.1 there was an entry in favour of the deceased father of respondent Nos. 2 to 6. The said entry had been incorporated by respondent No.1 as a result of forgery.

It has been noticed by the learned Additional Sessions Judge that Ram Murti Patwari was examined as CW-3 and he deposed that the entries in the *parat patwar* for the year 1993-94 were in his hand. After the transfer of Ram Murti, Patwari, several other patwaris had remained posted in the patwarkhana. Learned Additional Sessions Judge further held that although some forgery in the record had been committed but there was no concrete evidence to the effect that the same had been done by respondent No.1 as

there was no opinion of the handwriting expert that the forgery was in the handwriting of respondent No.1. Learned Additional Sessions Judge further observed that in case respondents No.2 to 6 wanted to gain any benefit, they would have got an entry incorporated in their own names instead of their father, who was already dead. The reasons given by the learned Additional Sessions Judge, while dismissing the revision petition, are sound reasons. The petitioner has already availed the remedy by filing of revision petition against the order passed by the trial Court. Generally, petition under Section 482 Cr.P.C. would not be maintainable as it would virtually amount to a second revision. However, in a case of grave injustice, this Court can interfere under Section 482 Cr.P.C.. The present case is not a one which would invite the jurisdiction of this Court under Section 482 Cr.P.C.

Accordingly, this petition is dismissed.

**(SABINA)
JUDGE**

July 29, 2011

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