IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No.A-1116-MA of 2014
Date of Decision : October 31, 2017

Gurdev Singh ....Applicant

VERSUS

Jagjit Singh .....Respondent

CORAM : HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. Vivek Goel, Advocate
for the applicant.

T.P.S. MANN, J.

The complainant, namely, Gurdev Singh has filed the present application under Section 378(4) of the Code of Criminal Procedure, 1973 seeking special leave to appeal against the judgment dated 4.3.2014 passed by Additional Chief Judicial Magistrate, Sri Muktsar Sahib to the extent of acquitting Jagjit Singh accused, respondent herein, of the charges under Sections 420, 467, 468, 471, 120-B IPC.

According to the complainant, he had applied for electric tube-well connection on 22.4.1989 and had enclosed a copy of jamabandi pertaining to land bearing rectangle No.25, killa No.9/2(3-4) situated at village Chak Jaanisar, Tehsil and District Sri Muktsar Sahib. He fulfilled all the formalities required by the Punjab State Electricity Board, hereinafter referred to as 'the Board', and had even deposited requisite amount. Inspite of the same, no electric tube-well connection was granted by the Board. In January, 2009, he came to know from the officials of the Board that the connection No.CJS-233 AP had already been issued in his name and was, thereafter, transferred in the name of Avtar Singh. The complainant filed a complaint before the Consumer Forum at Sri Muktsar Sahib, which was decided on 27.7.2009 in his favour. The Consumer Forum ordered the transfer of the electric meter connection which stood installed in the fields of Avtar Singh. The complainant also came to know that Avtar Singh in connivance with accused Jagjit Singh, who was then posted as SDO at Punjab State Electricity Board, Office Fattanwala had forged an affidavit in his name after forging his signatures and identified by Mukhtiar Singh, Numberdar. On the basis of the said affidavit the transfer of electric meter connection was shown in the files of the Board. All the accused, including Jagjit Singh accused in connivance with each other had done the above act. The complainant moved an application before the Senior Superintendent of Police, Sri Muktsar Sahib and also at Police Station Sadar, Sri Muktsar Sahib but they put off the matter on one pretext or the other. Hence, he had no other option but to file the complaint.

After the examination of the preliminary evidence, the Additional Chief Judicial Magistrate, Sri Muktsar Sahib summoned Avtar Singh, Mukhtiar Singh, Numberdar and Jagjit Singh, SDO for the aforementioned offences. The trial of the case ended with the acquittal of Jagjit Singh accused of the charges against him. However, Avtar Singh and Mukhtiar Singh were convicted and sentenced by the trial Court.

Having heard learned counsel for the applicant and on going through the impugned judgment, this Court finds that Jagjit Singh accused had no role to play in the installation of electric meter connection as he was not posted in the office of the Board at Fattanwala on 31.3.1996. Further, the electric connection was running in the fields of Avtar Singh accused from the very beginning and had never been installed in the fields of the complainant. On 11.9.2003 only the name was changed in the record of the Board but the electric meter connection was never shifted. Even there was no estimate or sanction order in the record regarding transfer of electric connection in the year 2003. Further, CW5 Hardarshan Singh clearly deposed that in the case in hand, the same procedure was adopted which ought to be adopted as per law in the case relating to change of name. At the relevant point of time, said PW Hardarshan Singh was posted as Consumer Clerk. Even the affidavit Ex.C2 of the complainant which was produced by Avtar Singh accused, alongwith form Ex.C4 stood attested by Notary Public and Numberdar of the village. PDCO Ex.C5 regarding the change of name was issued under the signatures of Jagjit Singh accused on the basis of form Ex.C4 accompanied by two affidavits Ex.C1 and Ex.C2. The PDCO had already been signed by Consumer Clerk and ARA Tirlok Chand. Jagjit Singh accused did sign PDCO Ex.C5 as it had been verified by ARA Tirlok Chand. After issuing PDCO, Jagjit Singh accused directed Barjinder Pal Singh, AJE to make the compliance of the order. Barjinder Pal Singh, AJE was to get the signatures of complainant Gurdev Singh after visiting the spot but he made report that the compliance had been made. However, there were no signatures of Gurdev Singh complainant on the PDCO Ex.C5. It was the responsibility of AJE to get the signatures of the complainant and if he made the report that Gurdev Singh had refused to sign on the PDCO, then the process of transferring the electric connection in the name of Avtar Singh accused was to come to halt but no such report was made by the concerned AJE. It has also come on record that in case of change of name, no spot inspection was conducted by the SDO but it was required to be conducted by the AJE. Jagjit Singh accused had issued PDCO Ex.C5 on the basis of Form-A Ex.C4 which was duly filled and accompanied by the affidavits of transferor and transferee which were duly attested. He issued PDCO after its verification by ARA Tirlok Chand under his signatures. He directed AJE Barjinder Pal Singh to comply with the order. Even AJE Barjinder Pal Singh made report that the compliance had been made though he did not obtain the signatures of Gurdev Singh complainant. It has also come on the record that Jagjit Singh accused performed his duties as per procedure prescribed under clause 38.5 of Change of Name of Electricity Board Rules. The complainant failed to produce on record any evidence from which it could be said that Jagjit Singh accused connived with Avtar Singh and Mukhtiar Singh accused. The complainant failed to explain as to how Jagjit Singh accused could know that the affidavit Ex.C3 of complainant Gurdev Singh was forged one.

In view of the above, no case is made out for any interference in the impugned judgment to the extent of acquitting Jagjit Singh accused of the charges against him.

The application is without any merit and, therefore, dismissed. Special leave to appeal is declined.

(T.P.S. MANN)
JUDGE

October 31, 2017 **(MAHABIR SINGH SINDHU)**
satish **JUDGE**

Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO