IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.18703 of 2014 in/and
CRR No.1855 of 2014 (O&M)
Date of Decision: January 06, 2015

Rachhpal Singh

...Petitioner

VERSUS

Balbir Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.D.S.Malwai, Advocate
for the petitioner.

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INDERJIT SINGH, J.

CRM No.18703 of 2014

Heard.

For the reasons mentioned in the application, the same is allowed. Delay of 15 days in filing the appeal is condoned.

CRR No.1855 of 2014

Petitioner has filed this revision petition under Section 401 Cr.P.C. against Balbir Singh and other respondents challenging the judgment dated 21.02.2014 passed by learned Addl. Sessions Judge (Fast Track Court), Hoshiarpur.

It is stated in the petition that petitioner was impleaded as legal representative of complainant Surjit Kaur on the basis of the Will in his favour by this Court vide order dated 09.10.2012 and the appeal filed by him against the order of acquittal of private respondents was

entertained by learned Sessions Judge, so he being competent to file the present revision petition, is filing the same against the orders of both the Courts below acquitting the private respondents.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that challan has been presented in the FIR No.66 dated 24.04.2008 under Sections 342, 420 and 120-B IPC registered at Police Station Garhshankar against Balbir Singh, Vidya and Vijay Kumari. The brief facts of the case are that complainant Surjit Kaur had moved a complaint to the Senior Superintendent of Police, Hoshiarpur to the effect that she owned landed property measuring 3 acres and 3½ marlas, which came to her on the death of her husband Gurmail Singh. She had some relations in Canada and in order to settle her family in Canada, she was interested to go to Canada. She was informed by accused Vidya and Vijay Kumari that they are partner with Balbir Singh and are working as travel agents. Both Vidya and Vijay Kumari took her to Balbir Singh, who informed complainant that he will send her to Canada in case she arrange an amount of ₹30 lacs. As the complainant was not having that much money but had landed property, therefore, accused persons approached the Halqa Patwari and took jamabandi and complainant was asked to sign some papers and accused also took passport of the complainant with the promise that she will be sent to Canada. As per the FIR, the main allegations against the accused persons are that without paying any consideration, they got executed

the sale deed. The complainant was kept for a period of about six months in their house by stating that her Visa documents are ready etc. Neither the complainant was sent to Canada nor her money and passport were returned. It is also the case of the complainant that one day finding an opportunity, she got herself freed from the clutches of the accused and accused have started threatening to kill her in case she approaches to police.

From the perusal of the record, specially the judgments passed by the Courts below, I find that during the pendency of the trial, Surjit Kaur complainant died and she could not be examined. She was the only star witness to depose as per prosecution version. Learned Courts below while acquitting the private respondents also did not believe the statement of PW-3 SI Lehmbar Singh, who admitted in cross-examination that he has never enquired the matter that Surjit Kaur was wrongly confined with the accused Vidya and Vijay Kumari. He neither visited the village nor got recorded statement of any person in this regard. Except this witness, no other witness came to prove the offence under Section 342 IPC. The statement of PW-5 Joginder Singh Lambardar was also not believed by the Court as PW-1 Bhupinder Singh, Registration Clerk of office of Sub-Registrar stated that Sub-Registrar registered the sale deed after full satisfaction regarding payment of money from vendee to vendor. Therefore, the version given by PW-5 that Surjit Kaur was made to sit in the car and her signatures were obtained, was disbelieved.

This is a revision petition and this Court is not to re-

appreciate the evidence like Court of an appeal. The petitioner is to show the illegality committed by the Courts below while passing the judgments or to show that judgments are perverse or some material evidence has been misread or some material evidence has been left and has not been considered. Neither anything has been pointed out as to how the judgments passed by the Courts below are illegal or perverse nor anything is pointed out as to which material evidence has been misread or left by the Court.

In view of the above discussion, I find that the judgments passed by the Courts below are correct, as per law and do not require any interference from this Court and the same are upheld.

Therefore, finding no merit in the present petition, the same is dismissed.

January 06, 2015 **(INDERJIT SINGH)**
Vgulati **JUDGE**