

**(2010) 09 P&H CK 0437**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** Criminal Revision No. 2263 of 2010 (O and M)

Narinder Singh and Another

APPELLANT

Vs

State of Punjab

RESPONDENT

**Date of Decision:** Sept. 28, 2010

**Acts Referred:**

- Penal Code, 1860 (IPC) - Section 419, 420, 467, 468, 471

**Hon'ble Judges:** Sabina, J

**Bench:** Single Bench

**Final Decision:** Dismissed

**Judgement**

Sabina, J.

Petitioners-Narinder Singh and Bakshi Ram were convicted for an offence under Sections 419, 420, 467, 468, 471 of the Indian Penal Code ("IPC" for short) by the Sub Divisional Judicial Magistrate Nawanshahar. Vide order of even date, the accused were ordered to undergo the following sentence:

Under Section 419 IPC	The convicts are sentenced to undergo rigorous imprisonment for a period of two years
Under Section 420 IPC	The convicts are sentenced to undergo rigorous imprisonment for a period of three years and to pay fine of Rs. 10,000/-
Under Section 467 IPC	The convicts are sentenced to undergo rigorous imprisonment for a period of three years and to pay fine of Rs. 10,000/-
Under Section 468 IPC	The convicts are sentenced to undergo rigorous imprisonment for a period of three years and to pay fine of Rs. 10,000/-
Under Section 471 IPC	The convicts are sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of Rs. 10,000/-

All the sentences were ordered to run concurrently. Aggrieved by the same, Petitioners preferred an appeals and the same were partly allowed by the Additional Sessions Judge, Shaheed Bhagat Singh Nagar vide judgment dated 5.7.2010

whereby the conviction and sentence of accused-Narinder Singh and Bakshi Ram u/s 419 IPC were set aside and the appeal qua conviction and sentence under the remaining Sections was dismissed. Hence, the present revision petition has been filed by the Petitioners.

2. The brief facts of the case, as noticed by the Appellate Court in para 2 of its judgment, are as under:

The criminal law was put in motion on the written complaint of Mohan Singh, Amarjit Singh and Rattan Singh dated 13.4.1996 Ex.PA, addressed to SSP, Nawanshahr alleging therein that their father Kartar Singh, son of Mangal Singh died about three months back and about two years back, Narinder Singh came to their house and told their father that 119 kanals of land situated in village Chak Kalal is on sale and if Kartar Singh son of Mangal Singh is interested in purchasing the same, then he can help him in the deal and complainant Mohan Singh was also present at that time and his father told Narinder Singh that he has sold the land at Banga and is interested in purchasing the said land. He further alleged that again after some days, Narinder Singh alongwith his brothers Avtar Singh, Arjan Singh sons of Surmukh Singh and Bakshi Ram of village Dhak Pandori came to their house and settled the deal for the purchase of 119 kanal of land of village Chak Kalal with their father, who was a simple villager. They further alleged that the sale deal was settled @ Rs. 2.5 lac for 7.5 acres and @ Rs. 3 lac for the remaining 7.5 acres of land and Narinder Singh and other above stated accused took an amount of Rs. 41.25 lac in installments from their father as cost of the land and also took Rs. 5 lac for taking the possession of the said land from Avtar Singh and Rs. 2 lac as cost of sale deed and as such, obtained Rs. 48.25 lac in all from their father and also told their father that he would deliver the sale deeds to the father of the complainant and later on, Narinder Singh gave three sale deeds in the name of complainant Mohan Singh and five sale deeds in the name of his father at their house and Avtar Singh also delivered the possession of the said land to the complainant, which was still in the possession of the complainant at the time of complaint, but before the filing of the complaint, Kartar Singh s/o. Surmukh Singh came to the complainant and told them that the sale deeds in their favour are fake and forged and they should vacate the land and thereafter, complainant made enquiry and found that Narinder Singh in connivance with above stated other accused have cheated the complainant and their father and forged the sale deeds for cheating the complainant and their father. Complainant also alleged in the complaint that Narinder Singh also obtained signatures of Mohan Singh and his father on the sale deeds. On receipt of complaint Ex.PA, enquiry was marked to DSP, Surinder Singh, who conducted enquiry and gave his detailed report Ex.PW12/A and it was concluded that the sale deeds allegedly registered in the office of Joint Registrar, Jalandhar are fake, as these sale deeds were never registered in the office of Joint Registrar, Jalandhar, nor there was any record of these sale deeds in the office of Sub Registrar, Jalandhar and two sale deeds registered in the office of Sub Registrar, Banga have been executed by some

lady impersonating as Sarabjit Kaur and other sale deed was executed by Bakshi Ram on the basis of the power of attorney of Ram Kaur and Jai Dev Kaur, though Ram Kaur died much earlier to the power of attorney and as such, those sale deeds are also forged sale deeds and are not genuine. Thereafter, opinion of the DA(Legal) was obtained and the present case was registered vide FIR Ex.PW12/B. Investigation was conducted and accused were arrested in this case and after completion of investigation, challan was presented in the court for trial.

3. After hearing the learned Counsel for the Petitioner, I am of the opinion that the instant petition deserves dismissal.

4. In the present case, six accused were sent up for trial. However, during trial, accused Nos. 2 and 3 Avtar Singh and Gurditta Ram died, whereas, Arjan Singh, accused No. 1 died prior to the presentation of challan. The allegations against the Appellants are that they in connivance with their co-accused, had sold land to the father of the complainant and took Rs. 41,25,000/- from him. An amount of Rs. 5,00,000/- was taken for getting possession from Avtar Singh and Rs. 2,00,000/- was taken towards registration expenses. Narinder Singh told the father of the complainant that he shall send registered sale deeds to the complainant. However, the complainant later came to know that the forged sale deeds had been prepared by the accused. The possession of the land was given to the complainant. Learned trial Court, while ordering the conviction of the Appellants observed that on the basis of the complaint made by the complainant Mohan Singh, Deputy Superintendent of Police, Surinder Singh gave his report after investigation. The said report was duly proved by the said Deputy Superintendent of Police as Exhibit PW-2/A. Sale deeds in question, Mark 1 to 6, were alleged to be signed by the Joint Registrar, Jalandhar but, in fact, no such sale deeds had been registered in the Office of Joint Registrar, Jalandhar. The executants of the sale deeds Sarabjit Kaur, Ranjit Kaur, Jaspinder Kaur, Nishchint Kaur, Ram Kaur and Jai Dev Kaur had died much prior to the execution of the alleged sale deeds. The forged sale deeds were handed over to the complainant and his father by Narinder Singh Walia (Petitioner) Avtar Singh (since deceased) Arjan Singh (since deceased) and Bakshi Ram (Petitioner). Prosecution, in order to prove its case, examined complainant Mohan Singh as PW1.

5. Learned trial Court, after examining the evidence on record, has held that the Appellant Bakshi Ram forged the power of attorney in his favour on behalf of the dead persons and thereafter had executed the sale deeds Exhibit PW3/A and Mark 6 with a view to cheat the complainant and his father.

6. Bakshi Ram had signed as a witness on the sale deed Mark 2 and he had executed the sale deed Mark 6 as attorney of Ram Kumar and Jai Dev Kaur although the said lady had died much prior to the date of the execution of the power of attorney. Bakshi Ram also executed the sale deed Exhibit PW3/A as attorney of Ram Kumar and Jai Dev Kaur. Sale deed Exhibit PW3/B was, allegedly, executed by Sarabjit Kaur

in the Office of Sub Registrar Banga but it was found that Sarabjit Kaur had died much prior to the execution of the sale deed. Bakshi Ram had also attested the sale deed Exhibit PW3/B. The learned appellate Court in the impugned judgment observed that the complainant, Mohan Singh, Ajit Singh PW.6 had proved the prosecution version.

7. Appellant Narinder Singh had told the purchaser Kartar Singh that after the execution of the sale, the same would be delivered to him. Appellant Narinder Singh delivered sale deed Mark 1 to Mark 6 Exhibit PW3/A and PW3/B to the purchaser Kartar Singh although later on it transpired that the sale deeds Mark 1 to 6 were fake. In these circumstances, the Courts below have rightly convicted the Appellants for an offence under Sections 420, 467, 468, 471 IPC. The reasons given by both the Courts below while ordering conviction of the Appellants are sound reasons. The learned Counsel for the Petitioners has failed to point out any misreading of evidence led by the prosecution by the Courts below. Hence, the impugned judgments call for no interference.

8. Dismissed.