

**IN THE COURT OF ARUN GUPTA, PCS,
JUDICIAL MAGISTRATE IST CLASS, PATIALA**

PBPT030066732014



CHI/1011/2014	
Date of Institution	24.12.2014
CNRNo.PBPT03006673- 2014	
Date of Decision	15-09-2022

State	Versus	Manjeet Singh son of Sohan Singh, resident of House No. 388/3, Behera road, Patiala, PS Kotwali, Patiala. ...Accused
-------	--------	--

FIR No. 88 of 18.03.2014
Under Section 420/467/468/471 IPC
Police Station : Tripuri, Patiala.

Present: Sh. Janpreet Sharma, Id. APP for State.
Accused Manjit Singh on bail represented by Sh. A.S Bindra
Advocate

JUDGMENT

1. The above named accused has been sent up to this Court by the Officer In-Charge of Police Station Tripuri, Patiala to face trial for the commission of offence punishable under Section 420/467/468/471 of IPC.

PROSECUTION CASE :

2. The vignettes of the prosecution case as emerged from the final report under Sec. 173 Cr. P.C and documents appended therewith are that the instant FIR has been registered on the basis of application moved by

Sh. Edwin, Motor Vehicle Inspector, office of D.T.O, Patiala in which, it is alleged that Manjit Singh – accused, who is working as agent in Booth No. 137, Jan Sahayata Kendra, Patiala, has forged his signature on driving license and put forged numbers on it by his accomplice. It is alleged that the accused forged his signatures on driving licenses belonging to Minakshi, Yogesh Kumar, Gurpreet Singh, Mandeep Kaur, Nishan Singh, Satnam Singh, Baljit Singh, Akash Sexena, Manpreet Singh, Inderjit Kaur. Further alleged that the accused even forged his signatures on passing registers. On the basis of the said complaint & after inquiry, FIR was registered. Accused was arrested. Statement of the witnesses were recorded. On the completion of investigation, challan against the present accused was presented before the court.

3. On appearance of accused in the court, copies of all the documents sent along with the police report and relied upon by prosecution, were supplied to him, free of costs as envisaged under section 207 Cr. P.C.

FRAMING OF CHARGE :

4. From the perusal of those documents and after hearing Learned A.P.P. for the State and learned defence counsel, prima facie case is made out to initiate trial against accused for the commission of offences punishable under sections 420/467/468/471 of IPC and the charges were framed accordingly, to which accused pleaded not guilty and claimed trial.

PROSECUTION EVIDENCE :

5. To substantiate its case, prosecution got examined following

witnesses:-

PW1	Inderjit Kaur	Witness deposed and proved original form no.4 Ex.P1, but turned hostile.
PW2	DSP Ajinder Singh, I.O	Witness deposed regarding sequence of investigation and proved report of SP(D) Ex.PW2/A, FIR Ex.PW2/B, Arrest-cum-intimation memo Ex.PW2/C, Personal search memo Ex.PW2/D, Statement U/s 27 of Evidence Act Ex.PW2/E, recovery memo Ex.PW2/F, rough site plan Ex.PW2/G, recovery memos Ex.PW2/H and Ex.PW2/J, recovery memo of fake form no.4 Ex.PW2/K, sheets containing specimen signature Ex.P1 to Ex.P3, specimen signatures sheet Ex.P4 to Ex.P6, form no.4 Ex.P1 to Ex.P6, report of FSL Ex.PW2/L and case property Ex.MO1 to Ex.MO15.
PW3	Edwin Seth, Motor Vehicle Inspector, complainant.	Complainant deposed and proved original form no.4 Ex.PW3/A to Ex.PW3/J, attested copy of original register as Ex.PW3/K to Ex.PW3/P, complaint Ex.PW3/Q, copies of specimen signatures as Ex.PW3/R and Ex.PW3/S
PW4	Jagjit Singh	Witness deposed and proved form Ex.PW3/H, but turned hostile.
PW5	Inderjit Kaur W/o Sanjay Kumar	Witness turned hostile.
PW6	Akash Saxena	Turned hostile.
PW7	Manpreet Singh	Witness deposed and proved application

		form no.4 Ex.PW3/D.
PW-8	Gurinderjit Singh	Deposed on the lines of prosecution case
PW-9	Mandeep Kaur	Turned hostile.
PW10	Gulshan Sharma	Witness deposed on the lines of prosecution case
PW11	Balkar Singh	Turned hostile.
PW-12	Yogesh Kumar	Turned hostile.
PW-13	Nishan Singh	Turned hostile.
PW-14	ASI Jagat Singh	Witness deposed and proved letter Ex.PW2/A.
PW15	ASI Gian Singh	Witness tendered his affidavit Ex.PW15/A regarding deposit of parcel in FSL, Mohali.
PW16	SI Jaswinder Singh	Witness deposed and corroborated the version of Investigating Officer DSP Ajinder Singh PW2.
PW17	Hari Lal Nafri, retired Tehsildar	Witness deposed and proved specimen signature sheet Ex.P1, Ex.PW3/R and Ex.PW3/S.
PW18	HC Bhajan Lal	Witness deposed and proved copies of register no.19 Ex.PW18/A and Ex.Pw18/B and copies of DDR entry no.14 dated 5.5.2014 Ex.DW18/C and Ex.PW18/D.

Thereafter, prosecution evidence was closed by order vide order dated 12.10.2021.

STATEMENT U/S 313 Cr. P.C :

6. Statement of the accused was recorded in terms of section 313 Cr.

P.C, so as to apprise him of incriminating circumstances appearing against him in evidence led by prosecution, to which he pleaded his innocence and claimed false implication. The accused further stated that he had filed various application against the complainant as President, Anti Corruption Association of India. That no recovery was effected from him and false recovery had been shown on him. That he has not forged any signature of anyone and the license in question had duly been issued as per procedure by the Licensing authority. False evidence procured and produced against him.

The accused opted to lead evidence.

DEFENCE EVIDENCE :

7. In **defence evidence**, the accused examined **DW-1** Sh. Pawan Kumar, Junior Assistant, RTA Office, Patiala, who deposed and proved original certified RTI Information Ex.DW1/A to Ex.DW1/J and computerized generated record of Driving License Ex.DW1/K to ExDW1/S.

Thereafter, accused has closed his defence evidence after tendering documents Ex.D1 to Ex.D15 vide separate statement.

8. This Court has heard the submissions made by Ld. APP for the State and Ld. Defence counsel and gone through the evidence on record.

From the entire case, following **Points for Determination/s** emerge :

1. Whether in the year 2014, in the area of Mini secretariat, Patiala, accused dishonestly and fraudulently collected the money from various persons and issued fake certificate of test of competence to drive and accused forged the signature of Motor

Vehicle Inspector namely Edwin on the same and issued those forged and fabricated certificates to various persons by affixing false number on the same and after affixing forged stamps on the same and committed an offence punishable under section 420 IPC?

2. Whether on the above said date, time and place, accused dishonestly and fraudulently collected the money from various persons and issued fake certificate of test of competence to drive and accused forged the signature of Motor Vehicle Inspector namely Edwin on the same and issued those forged and fabricated certificates to various persons by affixing false number on the same and after affixing forged stamps on the same and committed an offence punishable under section 467 IPC ?

3. Whether on the same date, time and place, accused dishonestly and fraudulently collected the money from various persons and issued fake certificate of test of competence to drive and accused forged the signature of Motor Vehicle Inspector namely Edwin on the same and issued those forged and fabricated certificates to various persons by affixing false number on the same and after affixed forged stamps on the same and committed an offence punishable under section 468 IPC?

4. Whether on the above said date, time and place, accused dishonestly and fraudulently collected the money from various persons and issued fake certificate of test of competence to drive and accused forged the signature of Motor Vehicle Inspector namely Advan on the same and issued those forged and fabricated certificates to various persons by affixing false number on the same and after affixing forged stamps on the same and used it as genuine and committed an offence punishable under section 471 IPC?

5. Whether evidence led on file by prosecution is sufficient to hold accused guilty and to convict and sentence him?

POINTS OF DETERMINATION NO. 1 TO 5 :-

9. All the points for determination have been taken up together for the sake of brevity and to avoid repetition.

ARGUMENTS :

10. Ld. APP for the State has argued that prosecution witnesses have deposed on the lines of prosecution story and proved all the documents on file. It is argued that by placing reliance on the oral testimony of these witnesses and documentary evidence proved on record by prosecution, it is contended that the case of prosecution has been established on record beyond the shadow of reasonable doubt, therefore, accused be convicted and be sentenced with maximum punishment as provided under law.

11. On the other hand, Ld. Defence counsel for accused argued that the prosecution has miserably failed to prove any charge against the accused. It is argued that the present case is a classic case of vendetta. That the accused has been victimized at the hands of complainant. That the accused being the whistle blower filed RTI applications against the complainant for his wrongdoings, and in order to pressurize the instant FIR has been lodged against the accused. That almost all the private witnesses examined by prosecution have turned hostile or their testimonies are hear say, as such no reliance can be placed on them. That the FSL report speaks in favour of accused. That the alleged recovery from accused is mired in umpteen doubts. That the permanent licenses have already been issued to the applicants before the registration of FIR. That DTO/RTA never made any complaint against the accused at any

point of time. That the registers brought by complainant Ex. D-1 & Ex. D-2 are his private registers maintained for the reasons best known to him. That the complaint Ex. PW-2/Q is silent as to the allegations pertaining to forged stamp/seal. It is prayed that once prosecution has miserably failed to prove its case beyond the shadow of reasonable doubt, as such, affording benefit of doubt, accused be acquitted for want of proper, cogent and convincing prosecution evidence.

COURT OBSERVATIONS :

12. After giving thoughtful consideration to the rival submissions, this Court has gone through the entire record available on the file and the legal proposition involved in this case.

13. In the present case, the criminal machinery has been set into motion by filing of the complaint Ex. PW-3/Q, by Sh. Edwin, Motor Vehicle Inspector, Patiala with the allegations that Board of Inspection has an authority to issue license and passing of the vehicles and maintain registers for that purpose. It is alleged that the accused Manjit Singh, who is working as an agent, has forged his signatures on driving licenses, put forged numbers of registers on those licenses, forged his signatures on passing registers and thereby cheated the public and the Government of a huge amount of money.

14. On the basis of the above said complaint, the enquiry was conducted by EO wing, Patiala, which found that the accused forged the signatures on the Form/s No. 4, which is used for making permanent license from the temporary license, and put forged numbers of registers on them. The

findings of the EO enquiry, was approved by SP (D), Patiala vide report dated 12.03.2014 Ex. PW-2/A. Thereafter, on approval by the then SSP, Patiala, the instant FIR has been registered against the accused u/s 420, 467, 468, 471 IPC. Thereafter, an investigation was conducted by DSP (Traffic), Patiala, Sh. Ajinder Singh, who among other things, allegedly got recovered 12 alleged fake stamps from the accused from his house. The specimen signatures of the complainant, specimen signatures/writings of accused and alleged fake stamps & standard stamp, were sent to FSL, Mohali for comparison. The extracts of the registers from the complainant were taken into police possession. Finally, challan u/s 420, 467, 468, 471, 472 IPC was presented before this Court.

15. The condition precedent for an offence under [sections 467](#) and [471](#) is forgery and the condition precedent for forgery is making of a false document or false electronic record or part thereof. A person is said to have made a 'false document', if (i) he made or executed a document claiming to be someone else or authorized by someone else; or (ii) he altered or tampered a document; or (iii) he obtained a document by practicing deception, or from a person not in control of his senses.

16. Adverting to the present case, the entire gamut of allegations against the accused converge on Form No. 4. As per the allegations, the accused forged the signature of complainant ; put forged numbers of registers; and put forged stamp, on these forms. The prosecution proved on record the said Form/s No. 4 as Ex. PW-3/A to Ex. PW-3/J.

17. The applicants, to whom the above said forms belong, are examined by the prosecution ; PW1/PW-5 Inderjit Kaur, PW-6 Akash Saxena, PW-7 Manpreet Singh, PW-9 Mandeep Kaur, PW-12 Yogesh Kumar. However, all the above said witnesses turned hostile. PW1/PW-5 Inderjit Kaur stated that '*I can not identify the accused and never met the accused.*' PW-6 Akash Saxena stated that '*I have no knowledge whether the accused present in the Court is the same person who took Rs. 300 from me for clearing the file.*' PW-7 Manpreet Singh, stated that '*I do not know the accused present in the Court and even never met him.*' PW-9 Mandeep Kaur, stated that '*I do not identify the accused present in the Court.*' PW-12 Yogesh Kumar stated that '*I can not identify the accused present in the Court.*' Similarly, Jagjit Singh, PW-4 deposed that Yogesh Kumar came to him for preparation of file for driving license. He stated that '*I have not sent him to accused Manjit Singh nor got cleared the file from accused Manjit Singh.*' PW-8 Gurinderjit Singh deposed that Surjit Singh along with his daughter Mandeep Kaur came to him for issuance of driving license and introduced him to accused Manjit Singh. However, PW-8 stated that after that '*I came to know from Mandeep Kaur that Manjit Singh has himself forged the signature of Motor Vehicle Inspector on form no. 4.*' Therefore, the evidence of PW-8 is mere hearsay. Moreover, Mandeep Kaur PW-9 has already turned hostile. PW-10 Gulshan Sharma, deposed that Som Raj along with his daughter Meenakshi came to him for applying the driving license. He stated that '*Later on he came to know from Meenakshi that Manjit Singh forged the*

signature of Motor Vehicle Inspector.' Therefore, the evidence of PW-10 is also a mere hearsay. Moreover, the prosecution has not examined Meenakshi as being won over. The above said witnesses were subjected to cross-examination by the prosecution, but nothing favourable to the case of the prosecution came up.

18. From the above said evidence on record, the prosecution miserably failed to prove that the accused being alleged agent prepared the files containing alleged Form No. 4, Ex. PW-3/A to Ex. PW-3/J, for the applicants or that the accused cheated the applicants in the process.

19. Further, the prosecution examined two star witnesses ; investigating officer, PW-2 and complainant, as PW-3.

20. However, on reading the entire testimony of complainant and Investigating officer, the case of the prosecution is not proved beyond the shadow of every reasonable doubt.

21. Firstly, as to the allegations of forgery of passing registers is concerned, the complainant himself admitted in cross-examination conducted on **15.01.2020**, that -

“volunteered Ex. D-1 & D-2 are my personal maintained registers however, the other registers for passing of vehicles are maintained by the Board of Inspection...i can not produce the said registers in my personal capacity. I did not hand over the copy of the said registers to the Police in this case i.e. copy of registers of passing of vehicles, of the said Board.

There is no dispute regarding passing of vehicle in the present case...”

22. The IO In cross-examination conducted on **15.02.2019** stated that -

“ I have not verified the fact that how many vehicles in a day were ordered to be passed or given permit by the motor vehicle inspector. Complainant Edwin did not hand over such record to me in connection with the present case.”

23. Therefore, the allegations as per para no. 3 of the complaint Ex. PW-3/Q, regarding the forgery of passing registers, are not tenable against the accused.

24. Secondly, as to the allegations of embezzlement of funds of Government, is concerned, the complainant in cross-examination conducted on **06.11.2019 on page no. 2** stated that '*I do not remember whether there is any record of embezzlement of funds in this case. No statement of any of the cashier/clerk who is maintaining the fees record was recorded in my presence.*' The IO in cross-examination conducted on **15.02.2019** stated that '*No such evidence had come regarding any deficit of the amount with the department regarding the said licenses and even no figure of such amount has been submitted by the concerned officer of the licensing authority to me regarding the allegations against the accused.*'

25. Therefore, the prosecution failed to prove the allegations qua the embezzlement of funds against the accused.

26. Further, this Court has gone through the cross-examination of the complainant to look for the genesis of the case. The complainant PW-3

stated in cross-examination conducted on **06.09.2016**, that the original files of the applicants are in possession of DTO, Patiala. He admitted that no complaint has been filed by DTO, Patiala in this case. The complainant in chief examination stated that '*when I checked the record of DTO, Patiala, then it came to my notice that accused forged my signatures and stamp on the applications.*' The complainant admitted that RTA is the final authority to issue the license and he is the final authority for passing of vehicles.

27. Now, admittedly, DTO/RTA, Patiala, is the final authority to issue the licenses, but he has never taken call on the matter, rather the complainant, who is Motor Vehicle Inspector, himself scrutinizing the record and detecting alleged forgery of his signatures/stamp, from the official record, which is never in his possession, creates doubts. This situation begs an important question as to what made the complainant sit up and impelled him to do the checking of the record by himself. But afraid, there is nothing on record that the complainant ever received any complaint/information against the accused to let the complainant do the reality– check. Thus, checking of the official record by the complainant all by himself, makes the complainant's story doubtful from the very beginning.

28. As to the allegations of forgery, the prosecution failed to prove that the accused committed forgery of the signature, writings, register numbers or stamp, on Form/s No. 4, Ex. PW-3/A to Ex. PW-3/J.

29. The IO has taken the standard signatures of the complainant before the Executive Magistrate marked S1 to S65 and signatures of complainant in the hand of accused before this Court marked S66 to S98. The complainant gave CFX forms containing his admitted signatures Marked A1 to A10. The questioned signatures on the applications Ex. PW-3/A to Ex. PW-3/J, are Q1 to Q10.

30. The prosecution proved FSL report Ex. PW-2/L. However, as per result of examination in **Sr. no. 13**, it is opined that *'it has not been possible to express any definite opinion regarding the common authorship or otherwise on the red enclosed questioned signatures stamped and marked Q1 to Q 10 in comparison with the red enclosed standard writings similarly stamped and marked S 66 to S-98.'*

31. Therefore, in absence of positive evidence on record, the accused being the author of the forged signatures on the said applications, is not proved on record.

32. As to the allegations of forged numbers of registers, the prosecution's case is that the accused forged the number of registers on the applications Ex. PW-3/A to Ex. PW-3/J. As per the prosecution's case, the alleged numbers on the said applications do not match up with the registers maintained by the complainant. Firstly, the FSL report Ex. PW-2/L, in **para no. 12** opined that *' it has not been possible to express any definite opinion regarding the common authorship or otherwise on the red enclosed questioned writings stamped and marked Q 21 to Q 30 in*

comparison with the red enclosed writings similarly stamped and marked S 115 to S 134. More suitable and sufficient specimen along with admitted writings of Manjit Singh in "English" already existing on some documents and near about the period of questioned writings containing similar digits as are available in the questioned writings stamped and marked Q 21 to Q 30 are required.' Thus, as such there is no opinion on the authorship of forged numbers of registers on the said applications.

33. Apart from it, as per the prosecution's case the above said alleged numbers on the said applications, do not match up with the registers maintained by the complainant. The prosecution proved extracts from the said registers as Ex. PW-3/K to Ex. PW-3/P. The complainant has also brought the original registers in the Court, which are Ex. D-1 & Ex. D2. However, in the cross-examination conducted on **15.01.2020**, he admitted that *Ex. D-1 & Ex. D-2 are my personal registers*. This Court has also gone through the said registers and observe that there is no stamp/ seal of any authority on the said registers. Being personal registers and the corresponding numbers made qua the said applications *ibid*, would carry no weight-age at all in the eyes of law. Had it been the case of alleged numbers on the said applications being incongruous with the entries in the *public record*, the situation would have been different. Thus, the allegations pertaining to putting alleged numbers of the said registers on the said applications, are not tenable against the accused.

34. Further, the allegations pertain to alleged forged stamp usage on the

said applications. Before, this Court would proceed further, it is apposite, in the first place, to evaluate the alleged recovery of fake stamps from the accused. The IO PW-2 stated that on the disclosure statement of accused, 12 fake stamps were recovered from the house of accused, which was taken into police possession vide Ex. PW-2/F. The site plan of place of recovery was made vide Ex. PW-2/G. However, during cross-examination conducted on **15.02.2019**, the IO admitted that *'It is correct that the house of the accused is situated in thickly populated and commercial area. We have not accompanied any independent witness along with our team nor we joined. I do not know that which police post is in the jurisdiction the house of Manjit Singh falls. I did not join or call any police official to join my team at the time of raiding of the house of the accused from PS Kotwali or PS Division no. 2 on 22.03.2014.'* This Court is of the considered view that non joining of independent witness, despite availability, casts a cloud of suspicion over the alleged recovery proceedings. The doubt becomes more deeper, if we go through the contents of the complaint Ex. PW-2/Q, wherein there is not a whisper about the usage of alleged forged stamp/s. During investigation, the complainant handed over his stamp to IO for comparison. The IO has sent the impression of the stamp of the complainant from S 135 to S 144 and impression of the alleged recovered stamps from S 145 to S 164, to FSL for comparison. FSL report, Ex. PW-2/L **in para no. 4, 7 & 10**, it is opined that *'The red enclosed questioned stamp impressions stamped and marked Q 31, Q32, Q 33, Q 34 to Q 37, Q 38, Q 39 & Q 40, when*

compared with red enclosed standard stamp impressions similarly stamped and marked S 145 to S 154 (obtained from the original rubber stamp marked B) do not tally in Letter design and Geometrical proportions.' Thus, the questioned stamp/s from the said applications do not tally with the stamp impressions allegedly recovered from the accused.

35. Besides it, the bare perusal of the complaint Ex. PW-3/Q reveals that there is no allegations as to the alleged forged stamp being used on the said applications. So much so, even the complainant never identified nor verified the alleged recovered stamp at the time of alleged recovery nor any statement of his was ever recorded in this regard at the relevant time. IO in cross-examination conducted on **12.07.2018** admitted that all the three stamps ABC are of same colour, pattern, shape and same size. He further admitted that there is no such reference or any sign to show that stamp A or B or C has been issued by any Government department. Thus, even on the naked eye observation, in all the three stamps ; standard and alleged fake, there is no difference at all. Thus, the allegations of prosecution as to the alleged fake stamps being used on the said applications or that the fake stamps have been recovered from the accused, are not proved beyond doubt.

36. The final nail in the prosecution story is put, when the complainant himself admitted in cross-examination conducted on **06.11.2019 on page no. 3** that '*It is correct that the license in dispute are permanently issued*

by RTA by signing the same.' The accused in defence got the official record summoned from the RTA office, Patiala through DW-1, who proved the attested copies of extracts of the driving licenses of the applicants Inderjit Kaur, Yogesh Kumar, Satnam Singh, Manpreet Singh, Mandeep Kaur, Gurpreet Singh, Baljeet Singh, Akash Saxana and Meenakshi as Ex. DW1/K to Ex. DW-1/ S. From this, it is very much evident that the applicants have already been issued the permanent licenses on 09.01.2014. Admittedly, the said licenses have never been canceled by the authority to date. Meaning thereby, had there been any forgery of the documents in the file/s, the competent authority would not have issued the licenses or at best could have canceled the same. But in absence of any such act on the part of the competent authority, the allegations leveled by the complainant seems to be doubtful.

37. Last but not the least, the accused has taken the plea in statement recorded under section 313 Cr. P.C that he has been falsely implicated in this case at the instance of complainant against whom he has filed various applications being the President, Anti - Corruption Association of India. During the cross-examination of complainant, the Id. Defence counsel got exhibited the documents i.e. complaint Ex. PW-3/B, information supplied Ex. PW-3/C, complaint Ex. PW-3/E, vigilance enquiry against the complaint holding him guilty, Ex. PW-3/K and tendered documents into defence evidence, Ex. D-1 to Ex. D15. From the above said documents, it appears that the accused had filed complaints against the complainant for alleged wrongdoings on the part of complainant and therefore instant FIR

filed against the accused seems to be the result of vindictiveness.

38. As an upshot of above said discussions, the prosecution failed to prove charges against the accused for lack of positive, convincing & unassailable evidence on record. Hence the accused **Manjeet Singh**, is ordered to be **acquitted** of the charges framed against him u/s 420/467/468/471 IPC, by giving him benefit of doubt. Bail bonds and surety bonds of accused stand discharged. All the point of determinations are decided against the prosecution and in favour of accused. File be consigned to the record room after due compilation.

Pronounced in open Court:

(Arun Gupta), PCS,

Dated: 15.09.2022

**Judicial Magistrate Ist Class,
Patiala**

UID No. PB-0388

Balwinder Kumar
Stenographer-II

1011/ 2014 CHI

State Vs Manjeet Singh

Present: Sh. Janpreet Sharma, APP for the State.
Accused Manjit Singh on bail represented by Sh.A.S Bindra
Adv.

Arguments heard. Vide my separate detailed Judgment of
even date, accused Manjit Singh is acquitted of the charges framed
against him. Bail bonds and surety bonds of accused stand discharged.
File be consigned to the record room after due compilation.

Pronounced in open Court:

(Arun Gupta), PCS,

Dated: 15.09.2022

**Judicial Magistrate Ist Class,
Patiala/ PB-0388**

Balwinder Kumar
Stenographer-II