

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.1739 OF 2010
[Arising out of SLP(C) No.19180 of 2008]

RAMESH SAGGAR & ORS. ... Appellant(s)

Versus

SATYA PAL GARG & ANR. ... Respondent(s)

O R D E R

1. Leave granted.

2. This appeal is directed against the judgment and order dated 14th May, 2008, passed by the Punjab and Haryana High Court at Chandigarh in CR No.2783 of 2008, in the application under Article 227 of the Constitution for setting aside the order dated 11th March, 2006, passed by the learned Additional Civil Judge (Sr. Division) Amloh. By virtue of the said order, the complaint filed by the respondent No.1 against the petitioners under Section 340 read with Section 195(1)(b) Cr.P.C. has been forwarded to the learned Chief

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Judicial Magistrate, Fatehgarh Sahib, for proceeding further along with the order dated 3rd April, 2008, passed by the learned Additional District Judge, Fatehgarh Sahib, by which the appeal filed by the petitioner had been dismissed.

3. In the complaint, certain allegations were made with regard to certain statements, which had been made by Ritesh Sagggar, who is proforma respondent No.2 herein. The said statements were ultimately held to be false by the trial court and the complaint under Section 340 read with Section 195(i)(b) Cr.P.C. was sent to the court of learned Chief Judicial Magistrate, Fatehgarh Sahib, for proceeding further against the respondents under Section 191/193 IPC. The said

order was challenged by way of appeal before the Additional District Judge, Fatehgarh Sahib, but the same was dismissed by order dated 3rd April, 2008. Against the said order of dismissal, an application under Article 227 of the Constitution of India was filed before the High Court, which, as indicated hereinabove, dismissed the same.

4. On behalf of the appellants, it has been urged that all the appellants herein have been made responsible for the statements which have been made by Ritesh Saggar, and despite
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the fact that it had been denied on behalf of the appellants that they had authorised the said Ritesh Saggar to made such statements on their behalf, all the courts below came to the erroneous finding that they too ought to be proceeded with under Section 340 read with Section 195 IPC. As pointed out by learned counsel appearing for the appellants, except for the statements made by Ritesh Saggar, there is nothing else to connect the appellants with the statements alleged to have been made by him.

5. On behalf of the respondents, Mr. Patwalia, learned senior counsel, contended that the statement made by Ritesh Saggar would equally bind the appellants, who are all the partners of the partnership firm, of which Ritesh Saggar was the Managing Partner.

6. Having considered the statements made on behalf of the respective parties and having particular regard to the fact that this is a criminal action, which is being sought to be taken against the appellants, we are not satisfied that the statement, which had been made by Ritesh Saggar, would also govern the appellants herein, since there is nothing to indicate that they had ever authorised Ritesh Saggar to make
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such a statement.

7. In that view of the matter, we allow the appeal and set aside the orders of the trial court as well as those of the appellate court and the High Court, as far as the

appellants herein are concerned.

.....J.
(ALTAMAS KABIR)

.....J.
(T.S. THAKUR)

New Delhi,
February 15, 2010.

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ITEM NO.41

COURT NO.3

SECTION IVB

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).19180/2008
(From the judgement and order dated 14/05/2008 in CR No.2783/2008
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

RAMESH SAGGAR & ORS.

Petitioner(s)

VERSUS

SATYA PAL GARG & ANR.

Respondent(s)

(With prayer for interim relief and office report)

Date: 15/02/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR

HON'BLE MR. JUSTICE T.S. THAKUR

For Petitioner(s) Mr. R.P. Singh Ahluwalia, Adv.
Mr. Dinesh Verma, Adv.
Dr. Kailash Chand, Adv.

For Respondent(s) Mr. C.N. Sree Kumar, Adv.
Mr. P.R. Nayak, Adv.

Mr. R.D. Upadhyay, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

(Sheetal Dhingra)

(Juginder Kaur)

Court Master

Court Master

[Signed order is placed on the file]