

**Tejpal Singh Vs. Bhadar Singh and ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/757539](http://sooperkanoon.com/757539)

**Court :** Rajasthan

**Decided On :** Jan-24-1991

**Reported in :** 1991(1)WLN132

**Judge :** B.R. Arora, J.

**Appeal No. :** S.B. Cr. Revision Petition No. 17 of 1991

**Appellant :** Tejpal Singh

**Respondent :** Bhadar Singh and ors.

**Disposition :** Petition dismissed

**Judgement :**

**B.R. Arora, J.**

1. This revision petition is directed against the judgment dated December 7,1990, passed by the Munsif and Judicial Magistrate, First Class, Suratgarh, by which the learned Magistrate acquitted the accused Bhadar Singh and Ram Singh for the offence Under Section 429 I.P.C.

2. The prosecution, in support of its case, examined PW 1 Tejpal, PW 2 Moola Ram, PW 3 Neemu Ram, PW 4 Manpalka, PW 5 Dr. Prem Roop Satsangi, PW 6 Megh Singh and PW 7 Chandrapal Singh. The accused did not produce any evidence in defence and the learned Magistrate, after considering the evidence on

record, came to the conclusion that no case against the accused-respondents has been proved beyond reasonable doubt and he, therefore, acquitted the accused-respondents of the offence Under Section 429 I.P.G.

3. Heard learned Counsel for the petitioner and the learned Public Prosecutor and perused the order passed by the learned lower Court and the statements of the witnesses produced by the counsel for the petitioner.

4. After perusal of the evidence on record, I am of the opinion that the learned lower Court has not committed any illegality in passing the order dated December 7, 1990, acquitting the accused- respondents. There is no evidence on record connecting the accused-respondents with the crime. The prosecution produced one alleged eye witness of the occurrence, viz., PW 2 Moola Ram, who, as per his statement, has seen the accused persons giving 'PINDOLI' to the she-buffalo. According to him, he had seen the accused-respondents doing so and narrated the incident to the complainant Tejpalsingh, in the morning of the next day. Though this witness has informed the complainant regarding this incident, but this does not find place in the F.I.R. lodged by the complainant-petitioner in the evening at about 4.00 p.m. This witness does not appear to be an eye witness of the occurrence and it appears that he is cooked-up witness and if he would have been a witness of the incident then his statement would have been recorded on the very day of the lodging of the F.I.R., but his statement was recorded after four days of the lodging of the F.I.R. He is a chance witness. Similar is the case with the evidence of PW 3. He, also, appears to be chance witness and his statement was recorded by the police after about four days. The witnesses produced by the prosecution do not inspire confidence and the learned lower Court has not committed any illegality in discarding the evidence of these witnesses and giving benefit of doubt to the accused-respondents. The order passed by the learned lower Court cannot be said to be, in any way incorrect, improper or illegal and does not require any interference.

5. Consequently, the revision-petition, filed by the petitioner, has got no force and is hereby dismissed.

