

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

241

2025:PHHC:162520



CRR-1977-2017 (O&M)
Date of Decision: 20.11.2025

Veena Gupta and another

...Petitioner(s)

VERSUS

Sri Chand Suneja and others.

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :-_ Mr. Kewal Krishan, Advocate, for
Mr. Vivek Aggarwal, Advocate, for the petitioner(s).

Mr. Vivek Chauhan, Addl. A.G. Haryana.

VINOD S. BHARDWAJ, J.(Oral)

CRM-20701-2017

Application is allowed as prayed for subject to all just exceptions.

Main case

This revision petition has been preferred by the complainant against the judgment dated 06.02.2017 passed by the Additional Sessions Judge, Faridabad as well as the judgment dated 24.03.2014 passed by the Judicial Magistrate First Class, Faridabad, acquitting the respondents-accused in Case bearing No.169/1 dated 17.12.2008/28.06.2013 arising out of FIR No.199 dated 06.06.2008, under Sections 419, 420, 467, 471 and

120-B of the Indian Penal Code, 1860, registered at Police Station Sector 7, Faridabad.

2 Tersely, the facts of the present case are that the above FIR was registered on the complaint dated 10.01.2007 of Smt. Veena Gupta and R.K. Gupta, who are residents of England and claimed that they are lawful owners of plot no. D-31, measuring 485.6 sq. yards situated at Model Town, DLF Area, Sector 11, Faridabad. This plot was purchased by them from one Balraj Singh son of Avtar Singh Bihala, lawful attorney of Devender Singh son of Avtar Singh Bihala, for a sale consideration of Rs. 60,700/- vide a duly executed and stamped receipt dated 22.02.1989 and conveyance deed No. 1226 dated 27.07.1989, registered in the office of Sub-Registrar, Delhi. After purchase of this plot, complainant(s) went to England as Veena Gupta was settled there. On 01.12.2006, complainant came to India on a short visa and visited the said plot for raising construction thereon and was astonished to know that a building had been raised over the plot of complainant by some strangers. On enquiry and going through the record, it was revealed that respondent-accused no.1-S.C. Suneja son of L.C. Suneja had got a general power of attorney executed and registered in his favour in respect of the said plot in the office of Sub-Registrar, Faridabad on 08.07.1996, by hatching a criminal conspiracy with accused-Rajesh (who was convicted by Addl. Sessions Judge, Faridabad), Hoshiar Singh Saini, document writer, Smt. Tarun Suneja wife of S.C. Suneja, Jai Ram Sharma, document writer. Some lady was produced in place of complainant-Veena Gupta for executing this general power of attorney by impersonation. On 08.07.1996, when this

power of attorney was executed, complainant was in England and S.C. Suneja, who is not known to complainant, further appointed C.L. Kalra son of Khillu Ram as special power of attorney which was registered in the office of Sub-Registrar, Faridabad on 30.04.1997 and this plot was further sold to different purchasers and a building was illegally constructed on the plot of complainant, who was cheated and defrauded by aforesaid persons by grabbing her land on the basis of sham, bogus, forged and fabricated documents.

3 During investigation, the accused were arrested. The matter was thoroughly investigated and statement of the witnesses was recorded. After completion of investigation, challan was presented before the learned Illaqa Magistrate for trial.

4 Initially the challan was filed only against Rajesh but thereafter, a supplementary challan was presented against Sri Chand Suneja, Tarun Suneja, Hoshiyar Singh Saini, Chunni Lal, Bhajan Lal and Chetan Swaroop Sharma on 20.11.2009 under Sections 419,420,467, 468,471,120-B,34 IPC

5 Copies of police challan were supplied to the respondents-accused free of cost. On finding a prima facie case for the commission of offence punishable under Sections 467, 468, 471 and 120-B the respondents-accused were charged, to which they pleaded not guilty and claimed trial.

6 In order to substantiate its case, the prosecution examined the following five witnesses:-

PW-1	SI Kuldeep Singh
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PW-2	Head Constable Satbir Singh
PW-3	Inspector/SHO Sripal
PW-4	Sri Prakash Chand ARC
PW-5	R.K.Gupta husband of complainant Veena Gupta.

7 Evidence of the prosecution was closed by Court order on 12.02.2014.

8 The statement of the respondent-accused were recorded under Section 313 of the Code of Criminal Procedure, wherein all incriminating circumstances and evidence appearing on record were put to them. However, they denied all allegations and pleaded that they have been implicated in a false case. However, no evidence was led by defence in their favour.

9 After hearing the case and considering the arguments advanced by both sides, the testimonies of witnesses and the evidence placed on record, the Trial Court vide judgment dated 24.03.2014, acquitted all the accused of the charges framed against them.

10 Aggrieved by the aforesaid judgment of acquittal of all the accused, complainant and her husband preferred Criminal Appeal No. 108 dated 05.06.2014 before the Court of the Additional Sessions Judge, Faridabad. Vide judgment dated 06.02.2017, the said appeal was partly allowed and the findings recorded by the trial Court against the respondents-accused herein namely Sri Chand, Tarun Suneja, Hoshiyar Singh, Chuni Lal, Bhajan Lal and C.S. Sharma, acquitting them of the charges framed against them were upheld, however, the findings recorded by the trial Court

regarding accused Rajesh were set aside being not sustainable and he was held guilty for the commission of offences under Sections, 467, 468, and 471 of the IPC. He was sentenced as under: -

Name of appellant	Offence u/s	Period of sentence (RI)	Amount/Fine (in Rs.)	Period of sentence in default of payment of fine (SI)
Rajesh	467 IPC	7 years	Rs.10,000/-	20 days
	468 IPC	5 years	Rs.5,000/-	15 days
	471 IPC	5 years	Rs.5,000/-	15 days

11 Aggrieved of the aforesaid, the instant revision petition has been filed by the complainant.

12 Learned counsel for the petitioners has argued that both the Courts have failed to appreciate that the GPA/SPA executed by the respondents are forged and that the sale deeds registered on the basis of these have been held to be null and void by the Civil Court vide judgment dated 09.07.2015 being forged and fabricated. He submits that once it is established by leading evidence that the GPA/SPA were forged, the respondents-accused were liable to be convicted. He submits that both the Courts have failed to take into consideration the disclosure statements made by the respondents which amount to admission of guilt on their part. He further submits that the respondents-accused have not led any evidence in their defence, which shows their involvement in the forgery and fabrication of GPA/SPA and as such the Courts have done grave error in acquitting the respondents-accused.

13 State counsel, on the other hand, reiterates the submissions

made before both the Courts which are not being reiterated here, for the sake of brevity.

14 Learned counsel for the respondents-accused submits that the findings recorded by the trial Court are based on correct appreciation of evidence led before it. He submits that the prosecution has failed to prove its case against the respondents-accused. The complainant failed to lead any evidence before the trial Court and the evidence of the prosecution had to be closed by Court order which shows that there was no evidence against the respondents on the basis whereof they ought to have been convicted. He submits that the findings of acquittal recorded by the trial Court qua the respondents-accused have been upheld by the appellate Court in the appeal preferred by the complainant as such the present revision also deserves to be dismissed.

15 I have heard learned counsel appearing on behalf of the respective parties and have also gone through the judgments passed by both the learned Courts below.

16 Before proceeding further into the matter, it is necessary to make a reference to the findings recorded by the learned Appellate Court. The relevant part thereof reads thus:-

“7 This case has been registered against the respondents/accused on the complaint Ex.PW5/A made by complainant Veena Gupta and Rajinder Kumar Gupta i.e appellants on the allegations that all the respondents in criminal conspiracy with each other on the basis of forged

Power of Attorney Ex. PW4/C dated 8.7.1996 in favour of respondent S.C.Suneja sold and resold her plot no. D-31 measuring 485.6 sq. yards situated at Model Town, DLF Area, Sector-11, Faridabad and also respondent S.C. Suneja had fraudulently executed another Power of Attorney in favour of respondent C.L. Kalra who thereafter resold the plot. In order to prove its case the prosecution has examined total five witnesses and after appreciating the prosecution evidence on record the trial court however due to non-examination of appellant Veena Gupta, in the absence of original Power of Attorney (in favour of respondent/accused S.C. Suneja) copy of which was placed on record as Ex. PW4/C and due to non examination of subsequent purchaser Parmod Mangla held the prosecution evidence to be not trustworthy and thus acquitted the respondents/accused in this case.

8 In order to prove the complaint on the basis of which this case has been registered the prosecution has examined R.K.Gupta as PW5 who is husband of appellant Smt. Veena Gupta. In his testimony PW5 has reiterated all the allegations contained in the complaint and has also identified his as well as signature of Veena Gupta on complaint and also proved the complaint as Ex.PW5/A. As mentioned above though the trial court did not take into consideration the said complaint Ex. PW5/A due to non examination of appellant Veena Gupta however, since the complaint PW5/A has also been signed by her husband Rajinder Kumar Gupta i.e PW5 it would be safe to hold that the prosecution has duly proved the complaint on record.

9. In para no. 3 of complaint PW5/A it had been alleged that respondent/accused S.C. Suneja in criminal conspiracy with

respondent/accused Rajesh and Jai Ram Sharma had forged the Power of Attorney dated 8.7.1996 by producing some fake lady Veena Gupta as appellant though on the said date the complainant was in England and never came to India at Faridabad nor the said Power of Attorney carry her signature nor she knows S.C. Suneja. As such the prosecution was to prove that the Power of Attorney dated 8.7.1996 had been fraudulently prepared by respondents S.C. Suneja, Rajesh and J.R. Sharma in criminal conspiracy with each other. It is relevant to mention here that though the respondent S.C. Suneja and Rajesh were arrayed as accused by the police but J.R. Sharma who as per complaint Ex. PW5/A was also involved with the aforesaid accused was not arrayed as accused by the police in the report under section 173 Cr.P.C.

10. In order to prove the alleged GPA in the name of respondent/accused S.C. Suneja to be fake the prosecution had examined PW4 Parkash ARC in the office of Sub Registrar, Faridabad who brought the summoned record and has proved the copy of alleged fake GPA dated 8.7.1996 as Ex. PW4/C. He has also proved copy of sale deed Ex. PW4/A vide which the respondent/accused S.C.Suneja being GPA holder of Veena Gupta had executed the sale deed in favour of one Surjan Dass and copy of sale deed Ex.PW4/B vide which C.L.Kalra in whose favour the respondent/accused S.C.Suneja had executed a Special Power of Attorney sold the disputed plot to one Meena Devi. As mentioned earlier though the trial court had expressed its inability to consider the fake GPA dated 8.7.1996 Ex.PW4/C by observing that original GPA has not been placed on record by the prosecution and that in order to prove that said General Power of Attorney does not bear the signature of Veena Gupta

ought to have seek report from FSL, Madhuban but as mentioned above since PW4 who brought the original record has proved the copy of GPA Ex.PW4/C on record in the considered opinion of this court the trial court has erred in not taking into consideration the GPA Ex.PW4/C which has been duly proved on record. For the same reasons the trial court ought to have taken into consideration the copies of sale deeds Ex.PW4/A and Ex. PW4/B respectively proved on record by PW4. Moreover, it is relevant to mention here that on 9.4.2009 when respondent/accused C.S. Sharma was produced before learned Ilaqa Magistrate for remand an application was moved before trial court seeking the specimen signatures and handwriting of C.S.Sharma and on the same day respondent C.S.Sharma had suffered a statement admitting his signatures on GPA dated 8.7.1996 i.e Ex.PW4/C and the said statement dated 9.4.2009 is a part of judicial record.

11. In cross-examination though PW5 has admitted that Ex. PW4/C (i.e GPA dated 8.7.1996) was not executed in his presence and he had also expressed his ignorance by whom and where it was prepared but in cross examination no suggestion has been put to PW5 that the said GPA Ex.PW4/A had been signed by his wife viz appellant Veena Gupta nor any suggestion put to him that the photograph visible on Ex.PW4/C is that of his wife or that she had got prepared the same. It is now to be seen what evidence had been adduced by the prosecution to connect the respondents/accused S.C.Suneja, Rajesh and C.S. Sharma with the said alleged Power of Attorney. From perusal of Ex.PW4/C it is revealed that beside alleged Veena Gupta, respondent/accused C.S. Sharma (attesting witness no. 2), and Jai Ram Sharma (as Document

Writer) it also carry the signatures of respondent/accused Rajesh (as witness no. 1). But it does not carry the signature of respondent S.C. Suneja. PW3 Sri Pal is the Investigating Officer in this case who during his testimony has corroborated the testimony of PW2 qua the disclosure statements Ex. PW2/A and Ex. PW2/B respectively of respondent/accused Rajesh as well as recovery memo Ex.PW2/C vide which as per him photocopies of two receipts were got recovered by accused Rajesh in pursuance to his disclosure statement. He has also proved the disclosure statements Ex.PW3/A suffered by S.C.Suneja and Tarun Suneja as well as recovery memo PW3/B. He has also proved the disclosure statement Ex.PW3/C of respondent/accused Chuni Lal.

12. As in pursuance to the disclosure statement Ex. PW2/B suffered by respondent/accused Rajesh vide recovery memo Ex. PW2/C he got recovered two photo copies of payment receipts dated 19.6.1996 and 6.7.1996 and also the original receipts of said photocopies got recovered by respondent Rajesh had been taken into police possession vide recovery memo Ex. PW3/B from respondents S.C. Suneja and Tarun Suneja the said receipts can be taken into consideration. From perusal of receipt dated 19.6.1996 it is revealed that it is qua payment of Rs. 3 lacs by respondent/accused S.C.Suneja regarding sale of disputed plot and it bears the signature of respondent/accused Rajesh on the stamp affixed on the same to which one Vijay Kumar is a witness thereof. The second receipt is dated 6.7.1996 qua payment of Rs.one lac from respondent/accused S.C.Suneja of disputed plot and it is mentioned therein that payment of Rs.4 lacs received and it bears only the signatures of respondent/accused Rajesh. As the aforesaid payment

receipts had been got recovered by respondent./accused Rajesh in pursuance of his disclosure statement Ex. PW4/A they can be read against him. It is further relevant to mention here that though in his disclosure statement Ex.PW2/A respondent/accused Rajesh had stated that for GPA (i.e Ex. PW4/C) Vijay (witness of first receipt) produced a lady whose name he disclosed as Veena and GPA dated 8.7.1996 (i.e Ex.PW4/C) was executed in favour of S.C. Suneja on which he along C.S. Sharma, Advocate put their signatures as witnesses and he also disclosed that on the asking of Vijay Taneja he gave the receipt regarding disputed plot but as the second receipt of Rs. 4 lacs bears the signatures only of respondent Rajesh it can not be taken that he had not received Rs. 4 lacs only on the asking of witness Vijay Taneja who admittedly has died.

13. In view of the disclosure statement Ex. PW2/A duly proved on record by PW2 since both the receipts bear the signatures of respondent/accused Rajesh the fact that respondent/accused Rajesh received a sum of Rs. 4 lacs against sale of disputed plot from respondent S.C. Suneja stands proved. Further since the GPA Ex.PW4/C also carry the signature of respondent/accused Rajesh as witness no. 1 it stands proved that the respondent/accused Rajesh firstly received the sale amount of Rs. 4 lacs vide two receipts from respondent S.C. Suneja and then got prepared the forged GPA Ex. PW4/C in favour of respondent/accused S.C.Suneja as the payment receipts vide which respondent/accused Rajesh accepted a sum of Rs. 4 lacs from respondent/accused S.C.Suneja bear the date 19.6.1996 and 6.7.1996 i.e prior to the execution of forged Power of Attorney Ex. PW4/C i.e 8.7.1996. The Power of Attorney Ex. PW4/C do not carry the signatures of respondent/accused

S.C.Suneja. Also from the disclosure statement Ex. PW2/A of respondent/accused Rajesh it can not be inferred that the fact that Veena Gupta allegedly produced by one Vijay is not the actual Veena Gupta was in the knowledge of respondent/accused S.C.Suneja. In view of above and as there is no evidence on record to prove alleged criminal conspiracy between the respondent/accused Rajesh and S.C.Suneja it would be safe to conclude that from prosecution evidence on record the involvement only of the respondent/accused Rajesh in preparation of fake Power of Attorney Ex. PW4/C stands proved. Also there is no prosecution evidence on record qua role of C.S. Sharma whose name is mentioned on the Power of Attorney Ex. PW4/C as witness no. 2. Therefore, from the prosecution evidence on record except for the specific role of respondent Rajesh there is no cogent evidence against S.C. Suneja and C.S. Sharma qua preparation of fake GPA Ex. PW4/C.

14. Learned counsel for respondents have relied upon authority Jaisingh & Ors. Vs. State of Karnataka (supra) where it has been held by Hon'ble Apex Court that a reversal of the trial court's judgment should be made in cases where the view taken was not possible on the evidence or perverse with the broad understanding that if two views were possible, the one taken by the trial court in favour of the accused should be retained. In the authority Arulvelu & another Vs. State represented by the Public Prosecutor & another (supra) it has been held by the Hon'ble Apex Court that an order of acquittal should not be lightly interfered with even if the court believes that there is some evidence pointing out the finger towards the accused. However, in the aforesaid authority it has also been held by the

Hon'ble Apex Court that the power of reviewing evidence is wide and the appellate court can re-appreciate the entire evidence on record. It can review the trial court's conclusion with respect of both facts and law but the appellate court must give due weight and consideration to the decision of the trial court.

15. It is relevant to mention here that admittedly in the civil suit instituted by appellant Veena Gupta against some of the respondents she had challenged the sale deeds executed qua the disputed plot on the basis of fake Power of Attorney in the name of respondent S.C. Suneja beside the GPA dated 8.7.1996 (i.e Ex. PW4/C) and that all the sale deeds which had been executed on the basis of said GPA Ex. PW4/C had been declared illegal, null and void by the civil court. The above referred authorities relied upon by learned counsel for respondents are not applicable to this case as while passing the impugned judgment the trial court has failed to make any observation how the testimonies of PW2, PW3 and PW5 respectively as well as recovery of receipts got effected by respondent/accused Rajesh are not believable and in the absence of any such finding this court had to reappreciate the entire evidence on record. So far as the authorities Iqbal Singh Marwah @ Anr. Vs. Meenakshi Marwah & Anr. 2005(2) RCR (Criminal) 178, Budh Ram Vs. State of Haryana 2010(2) RCR (Criminal) 352 and Md. Ibrahim & Ors. Vs. State of Bihar & Aur 2009(4) RCR(Criminal) 369 relied upon by learned counsel for respondents are concerned they are of no help being distinguishable on facts.

16. So far as the allegations of criminal conspiracy cheating or fraud etc against the remaining respondents/accused namely

Sri Chand, Tarun Suneja, Hoshiyar Singh, Chuni Lal, Bhajan Lal and C.S. Sharma are concerned, nothing has come in the prosecution on record as to when and where they had allegedly conspired for preparation of GPA Ex. PW4/C. Further though the complainant had also alleged that respondent/accused S.C. Suneja had fraudulently prepared SPA in favour of C.L.Kalra and his wife but the said SPA has not been produced/proved on record.

17. In view of above discussion, this court is of the considered view that so far as the findings recorded by the trial court against respondents namely Sri Chand, Tarun Suneja, Hoshiyar Singh, Chuni Lal, Bhajan Lal and C.S. Sharma are concerned, they are correct and are therefore upheld whereas the findings recorded by the trial court qua respondent/accused Rajesh are not sustainable and are hereby set aside as the prosecution has been able to prove its case against respondent/accused Rajesh beyond shadow of reasonable doubt. Therefore he is hereby held guilty for committing the offences under sections 467,468 and 471 IPC.”

17 Thus, it is evident that due to non-examination of complainant Veena Gupta, the absence of original Power of Attorney (in favour of respondent S.C. Suneja) copy of which was placed on record as Ex. PW4/C and due to non-examination of subsequent purchaser Parmod Mangla, the prosecution evidence was held to be not trustworthy. It has been further noticed that the Power of Attorney Ex. PW4/C did not carry the signatures of respondent/accused S.C. Suneja. Also from the disclosure statement Ex.

PW2/A of respondent/accused Rajesh, it could not be inferred that Veena Gupta, allegedly produced by one Vijay was not the real Veena Gupta and/or that this fact was to the knowledge of respondent/accused S.C.Suneja. Hence, it was specifically recorded that there is no evidence on record to prove criminal conspiracy between the respondent/accused Rajesh and S.C. Suneja and from the prosecution evidence on record, only the respondent/accused Rajesh's involvement in preparation of fake Power of Attorney Ex. PW4/C stands proved. There is no cogent evidence on record qua role of C.S. Sharma whose name is mentioned on the Power of Attorney Ex. PW4/C as witness no. 2 and S.C. Suneja qua preparation of fake GPA Ex. PW4/C. Appellate Court also took note of the fact that in the civil suit instituted by Veena Gupta against some of the respondents, she had challenged the sale deeds executed qua the disputed plot on the basis of fake Power of Attorney in the name of respondent S.C. Suneja instead the GPA dated 8.7.1996 (i.e Ex. PW4/C) and hence all the sale deeds that had been executed on the basis of said GPA Ex. PW4/C had been declared illegal, null and void by the civil court.

18 Thus after appreciating the entire evidence as well as the documents on record, the appellate Court concluded that the allegations of criminal conspiracy, cheating, fraud etc. against the respondents/accused Sri Chand, Tarun Suneja, Hoshiyar Singh, Chuni Lal, Bhajan Lal and C.S. Sharma were not made out as nothing had come on record as to when and where they had allegedly conspired for preparation of GPA Ex. PW4/C and that even though the complainant had alleged that respondent/accused

S.C.Suneja had fraudulently prepared SPA in favour of C.L.Kalra and his wife but the said SPA has not been produced/proved on record.

19 It is also noticed that accused Rajesh against whom finding of conviction had been recorded by the appellate Court had also filed a revision before this Court bearing CRR No.535 of 2017. Vide judgment dated 16.05.2017 passed by this Court, the said revision petition was accepted and the judgment of Appellate Court upholding his conviction was set aside.

20 In view of above, it cannot be held that there is any illegality, perversity or mis-appreciation of evidence by both the Courts. In the absence of any of the above the High Court would not re-examine the entire evidence and re-start the trial exercising powers under its revisional jurisdiction.

21 In view of above, the present revision petition is dismissed.

22 Pending misc. application(s), if any, shall also stand(s) disposed of accordingly.

November 20, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*