

(1991) 04 P&H CK 0141

In the Punjab And Haryana At Chandigarh

Case No : Criminal Appeal No. 592-DBA of 1982

State of Haryana

APPELLANT

Vs

Ram Lal

RESPONDENT

Date of Decision : 05-04-1991

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 219
Penal Code, 1860 (IPC) — Section 409

Citation : (1992) CriLJ 2482 : (1991) 3 RCR(Criminal) 506

Hon'ble Judges : S.S. Grewal, J; Amrit Lal Bahri, J

Bench : Division Bench

Advocate : Raghbir Chaudhary, A.A.G, for the Appellant; None, for the Respondent

Final Decision : Dismissed

Judgement

1. Criminal Procedure Code does not provide for consolidation of different cases to be tried together. However, some of the offences could be clubbed in a case of mis-appropriation or embezzlement of funds if committed within a period of 12 months as provided u/s 219 of the Code of Criminal Procedure. In the present case, FIR was registered on the letter of Assistant Registrar, Co-operative Societies, Panipat addressed to Superintendent of Police, Karnal against the present accused Ram Lal who was Cashier of the Chaura Patti Muwasi co-operative agricultural service society. As per this letter, Ram Lal misappropriated amounts of the society to the tune of Rs. 23649.56 during the period from July, 1963 to June, 1973. The details of the amounts along with their respective dates were mentioned in the letter on the basis of which FIR was registered. After investigation of the case, six challans were presented in the Court which were registered as Cases Nos.60/2, 61/2, 62/2, 63/2, 64/2, 65/2 of 1977. After charges were framed separately, in these cases, at the stage of recording evidence, cases were consolidated and evidence was recorded in one case. Ultimately vide order dated April 15, 1982, Ram Lal was acquitted in all the six cases. The State of Haryana has come up in appeal against the aforesaid order.

2. It is not clear as to in which of the six cases instituted against Ram Lal, present appeal has been filed. If the State was to challenge the order of acquittal in all the six cases, six separate appeals were required to be filed relating to matters covered by such cases. One appeal in six cases was not competent.

3. Since the evidence was recorded in Case No. 60/2 as mentioned in para 3 of the judgment, the paper book has been prepared taking the record of that case. At page 29 of the Paper book prepared, charge was framed against Ram Lal, accused u/s 409, IPC with respect to item of Rs. 100/- only which was alleged to have been paid by Wasakh Chand on July, 27, 1963 to Ram Lal, accused which he had not shown in the accounts as stated in para 7 of the judgment of the Magistrate. It is mentioned therein that as per evidence of P-3 Wasakha Ram (Wasakha Chand) a sum of Rs. 100/- was paid by him to one Ram Gopal against a receipt issued by him. He further stated that this amount was paid to Ram Gopal on the asking of Ram Lal, the accused. The receipt was not produced during the trial and the oral evidence, was considered insufficient to come to the conclusion that the amount was paid to Ram Lal, accused and the charge failed. In the ground of appeal, no challenge has been made to this part of the judgment and we find no ground to come to different decision. On going through the grounds of appeal, we find that evidence of 3 witnesses was being criticised. PW-2 Gian Chand deposed that he did not execute "tamasuk" Ex. P2 and he never obtained loan of Rs. 750/- from the society. This item obviously relates to another charge. Merely by proving that pronote P-2 was not executed by Gian Chand PW, it cannot be said that Ram Lal, accused had fabricated this document or that he had not disbursed the amount to the person who had executed the pronote.

4. In the grounds of appeal, evidence of PW-27 Nand Lal has also been criticised. His evidence is to the effect that he was President of the Chaura Co-op. Agriculture Society. When some irregularities were committed, he resigned. He stated that signatures on the pronotes exs. P4/2, P4/7, P4/5, P4/9 and P4/1 were not his and somebody had forged his signatures. The record remained in the custody of Ram Lal, accused. From the evidence of Nand Lal PW-27, it cannot be held that aforesaid pronotes were forged by Ram Lal. Finally evidence of PW-30, Faquir Chand has also been criticised which is to the effect that he was member of the aforesaid society and his signatures on pronote P4/2 were forged in which one Tek Chand had stood surety. On the same ground, his evidence is not enough to prove the guilt of the accused.

5. As already observed above, it was not made clear in which of the six cases in which Ram Lal accused was acquitted, the present appeal was filed. In spite of that we have considered the grounds taken up in the appeal and find no merit therein and dismiss the