

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. Revision No. 413 of 2015

Reserved on: 2.4.2026

Date of Decision: 15.5.2026.

Gopal Chand

...Petitioner

Versus

State of H.P.

...Respondent

Coram

Hon'ble Mr Justice Rakesh Kainthla, Judge.

Whether approved for reporting?¹ No.

For the Petitioner : Mr. G.R. Palsra, Advocate.

For the Respondent/State : Mr. Prashant Sen, Deputy
Advocate General.

Rakesh Kainthla, Judge

The present appeal is directed against the judgment dated 2.11.2015, passed by the learned Sessions Judge, Mandi, District Mandi, H.P. (learned Appellate Court) vide which judgment of conviction dated 30.5.2014 and order of sentence dated 31.5.2014, passed by the learned Chief Judicial Mandi, District Mandi, H.P. (learned Trial Court) were partly upheld.

¹ Whether reporters of Local Papers may be allowed to see the judgment? Yes.

(The parties shall hereinafter be referred to in the same manner as they were arrayed before the learned trial Court for convenience.

2. Briefly stated, the facts giving rise to the present appeal are that the police filed a challan against the accused before the learned Trial Court for the commission of offences punishable under Section 447 of the Indian Penal Code (IPC) and Sections 32 and 33 of the Indian Forest Act. It was asserted that the accused had encroached upon the unprotected forest (UPF) in Mohal Kun, bearing Khasra No. 1/2, 255/10 and 255/9, measuring 10-9-06 bighas. He admitted the encroachment in the affidavit filed in File No. 102, dated 29.7.2002. Hence, a complaint was filed with the police for taking action against the accused as per the law. The police registered the FIR (Ex.PW6/B). HC Pawan Kumar (PW6) investigated the matter. He visited the spot and prepared the site plan (Ex.PW6/A). Manohar Lal (PW2) demarcated the land and found that the accused had encroached upon Khasra No.1/2, 255/9 and 255/10, measuring 9-0-2 bighas in Mohal Kun. He issued the report of demarcation (Ex.PW2/A). HC Pawan Kumar seized the record and recorded the statements of witnesses as per the version. The challan was prepared and

presented before the learned Trial Court after the completion of the investigation.

3. The learned Trial Court found sufficient reasons to summon the accused. When the accused appeared, a notice of accusation was put to him for the commission of offences punishable under Section 447 of the IPC and Sections 32 and 33 of the Indian Forest Act, to which he pleaded not guilty and claimed to be tried.

4. The prosecution examined six witnesses to prove its case. Dharam Singh (PW1) was posted as the Range Officer who made a complaint to the police. Manohar Lal (PW2) demarcated the land. Chint Ram (PW3) and Durga Dass, Patwari (PW4), were present during the demarcation. Hari Singh (PW5) forwarded the application to the police. HC Pawan (PW6) investigated the matter.

5. The accused, in his statement recorded under Section 313 of the Cr.P.C., admitted that he is in possession of Khasra No. 1/02, 255/09 and 255/10. He claimed that the house and the field had existed since the time of his ancestor, and he had not encroached upon any land. He admitted that he had filed an

application for the regularisation of encroachment. He did not produce any evidence in his defence.

6. Learned Trial Court held that the statements of prosecution witnesses proved that the accused had encroached upon the Government land. The accused also admitted this fact in his statement recorded under Section 313 of the Cr.P.C. Therefore, the learned Trial Court convicted the accused of the commission of offences punishable under Section 447 of IPC and Sections 32 and 33 of the Indian Forest Act and sentenced him as under: -

Under Section 447 of the IPC	To suffer simple imprisonment for three months and to pay a fine of ₹5,000/-, and in default of payment of the fine, to undergo simple imprisonment for one month.
Under Sections 32 and 33 of the Indian Forest Act.	To suffer simple imprisonment for three months, pay a fine of ₹500/-, and in default of payment of fine, to undergo simple imprisonment for fifteen days.
All the substantive sentences of imprisonment were ordered to run concurrently.	

7. Being aggrieved by the judgment and order passed by the learned Trial Court, the accused filed an appeal which was decided by the learned Sessions Judge, Mandi, District Mandi, H.P. (learned Appellate Court). The learned Appellate Court concurred with the findings recorded by the learned Trial Court that the accused had encroached upon the forest land by constructing a house. The accused also admitted in his statement recorded under Section 313 of Cr.P.C. that he had encroached upon the forest land and had filed an application for regularisation of his encroachment. This corroborated the prosecution's version. The absence of the notification was not material because of the admission made by the accused. The learned Trial Court had rightly convicted the accused of the commission of offences punishable under Section 447 of the IPC and Sections 32 and 33 of the Indian Forest Act. However, the learned Trial Court had erred in imposing the sentence of ₹5,000/- for the commission of an offence punishable under Section 447 of IPC because the offence punishable under Section 447 of IPC is punishable only with the fine of ₹500/-. Therefore, the learned Appellate Court partly modified the judgment of the

learned Trial Court, and directed the accused to pay a fine of ₹500/- instead of ₹ 5,000/-.

8. Being aggrieved by the judgment and order passed by the learned Courts below, the accused has filed the present revision asserting that the learned Courts below erred in appreciating the evidence on record. FIR is only to be registered against the person who has encroached upon more than 10 bighas of the land as per the notification dated 31.5.2011. In the present case, the encroachment detected by Manohar Lal, Naib Tehsildar, was 9-0-2 bigha, which is less than 10 bighas of land. Khasra No.1/2 was not a forest land, and the people had grazing rights over it. The ingredients of the commission of offences punishable under Sections 447 of the IPC and 32 and 33 of the Indian Forest Act were not satisfied, and the learned Courts below erred in convicting the accused. The accused never admitted that he had encroached upon the forest land, but claimed that his ancestors had encroached upon the forest land. The accused could not have been punished for the fault of his ancestors. Therefore, it was prayed that the present revision be allowed and the judgments and order passed by the learned Courts below be set aside.

9. I have heard Mr G.R. Palsra, learned counsel for the petitioner and Mr Prashant Sen, learned Deputy Advocate General, for the respondent/State.

10. Mr G.R. Palsra, learned counsel for the petitioner, submitted that as per the notification issued by the State government, the FIR is to be registered only in cases where the encroachment is more than 10 bighas. In the present case, Manohar Lal found the encroachment over less than 10 bighas of land and no charge sheet could have been filed before the Court. The ingredients of Section 447 of the IPC were not satisfied. No notification declaring the land as part of the UPF was filed, and the offence punishable under Section 33 of the Indian Forest Act was not established. Therefore, he prayed that the present revision be allowed and the judgments and order passed by the learned Courts below be set aside. He relied upon the judgments of this Court in *Param Dev Vs. State of H.P., Cr. Revision No.305 of 2014, decided on 6.1.2014* and *State of H.P. Vs. Gambo Devi, 2025 HHC 282*, in support of his submission.

11. Mr Prashant Sen, learned Deputy Advocate General, for the respondent-State, submitted that the accused admitted

in his statement recorded under Section 313 of the Cr.P.C. that he had encroached upon the forest land. Therefore, the encroachment was not in dispute. Learned Trial Court had rightly convicted and sentenced the accused of the commission of offences punishable under Section 447 of the IPC and Section 33 of the Indian Forest Act. The learned Appellate Court noticed the infirmity in the judgment of the learned Trial Court and reduced the fine to ₹500/- from ₹5,000/-. This Court should not interfere with the concurrent finding of facts while deciding the revision petition. Hence, he prayed that the present petition be dismissed.

12. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

13. It was laid down by the Hon'ble Supreme Court in *Malkeet Singh Gill v. State of Chhattisgarh*, (2022) 8 SCC 204: (2022) 3 SCC (Cri) 348: 2022 SCC OnLine SC 786 that a revisional court is not an appellate court and it can only rectify the patent defect, errors of jurisdiction or the law. It was observed at page 207: -

“10. Before advertng to the merits of the contentions, at the outset, it is apt to mention that there are concurrent

findings of conviction arrived at by two courts after a detailed appreciation of the material and evidence brought on record. The High Court in criminal revision against conviction is not supposed to exercise the jurisdiction like the appellate court, and the scope of interference in revision is extremely narrow. Section 397 of the Criminal Procedure Code (in short “CrPC”) vests jurisdiction to satisfy itself or himself as to the correctness, legality or propriety of any finding, sentence or order, recorded or passed, and as to the regularity of any proceedings of such inferior court. The object of the provision is to set right a patent defect or an error of jurisdiction or law. There has to be a well-founded error that is to be determined on the merits of individual cases. It is also well settled that while considering the same, the Revisional Court does not dwell at length upon the facts and evidence of the case to reverse those findings.

14. This position was reiterated in *State of Gujarat v. Dilipsinh Kishorsinh Rao*, (2023) 17 SCC 688: 2023 SCC OnLine SC 1294, wherein it was observed at page 695:

“14. The power and jurisdiction of the Higher Court under Section 397 CrPC, which vests the court with the power to call for and examine records of an inferior court, is for the purposes of satisfying itself as to the legality and regularities of any proceeding or order made in a case. The object of this provision is to set right a patent defect or an error of jurisdiction or law or the perversity which has crept in such proceedings.

15. It would be apposite to refer to the judgment of this Court in *Amit Kapoor v. Ramesh Chander*, (2012) 9 SCC 460: (2012) 4 SCC (Civ) 687: (2013) 1 SCC (Cri) 986, where the scope of Section 397 has been considered and succinctly explained as under: (SCC p. 475, paras 12-13)

“12. Section 397 of the Code vests the court with the power to call for and examine the records of an

inferior court for the purposes of satisfying itself as to the legality and regularity of any proceedings or order made in a case. The object of this provision is to set right a patent defect or an error of jurisdiction or law. There has to be a well-founded error, and it may not be appropriate for the court to scrutinise the orders, which, upon the face of it, bear a token of careful consideration and appear to be in accordance with law. If one looks into the various judgments of this Court, it emerges that the revisional jurisdiction can be invoked where the decisions under challenge are grossly erroneous, there is no compliance with the provisions of law, the finding recorded is based on no evidence, material evidence is ignored, or judicial discretion is exercised arbitrarily or perversely. These are not exhaustive classes, but are merely indicative. Each case would have to be determined on its own merits.

13. Another well-accepted norm is that the revisional jurisdiction of the higher court is a very limited one and cannot be exercised in a routine manner. One of the inbuilt restrictions is that it should not be against an interim or interlocutory order. The Court has to keep in mind that the exercise of revisional jurisdiction itself should not lead to injustice *ex facie*. Where the Court is dealing with the question as to whether the charge has been framed properly and in accordance with law in a given case, it may be reluctant to interfere in the exercise of its revisional jurisdiction unless the case substantially falls within the categories aforesaid. Even the framing of the charge is a much-advanced stage in the proceedings under CrPC.”

15. It was held in *Kishan Rao v. Shankargouda*, (2018) 8 SCC 165: (2018) 3 SCC (Cri) 544: (2018) 4 SCC (Civ) 37: 2018 SCC OnLine SC 651 that it is impermissible for the High Court to

reappreciate the evidence and come to its conclusions in the absence of any perversity. It was observed at page 169:

“12. This Court has time and again examined the scope of Sections 397/401 CrPC and the grounds for exercising the revisional jurisdiction by the High Court. In *State of Kerala v. Puttumana Illath Jathavedan Namboodiri*, (1999) 2 SCC 452: 1999 SCC (Cri) 275, while considering the scope of the revisional jurisdiction of the High Court, this Court has laid down the following: (SCC pp. 454-55, para 5)

5. ... In its revisional jurisdiction, the High Court can call for and examine the record of any proceedings to satisfy itself as to the correctness, legality or propriety of any finding, sentence or order. In other words, the jurisdiction is one of supervisory jurisdiction exercised by the High Court for correcting a miscarriage of justice. But the said revisional power cannot be equated with the power of an appellate court, nor can it be treated even as a second appellate jurisdiction. Ordinarily, therefore, it would not be appropriate for the High Court to reappreciate the evidence and come to its conclusion on the same when the evidence has already been appreciated by the Magistrate as well as the Sessions Judge in appeal, unless any glaring feature is brought to the notice of the High Court which would otherwise amount to a gross miscarriage of justice. On scrutinising the impugned judgment of the High Court from the aforesaid standpoint, we have no hesitation in concluding that the High Court exceeded its jurisdiction in interfering with the conviction of the respondent by reappreciating the oral evidence. ...”

13. Another judgment which has also been referred to and relied on by the High Court is the judgment of this Court in *Sanjaysinh Ramrao Chavan v. Dattatray Gulabrao Phalke*, (2015) 3 SCC 123: (2015) 2 SCC (Cri) 19]. This Court held

that the High Court, in the exercise of revisional jurisdiction, shall not interfere with the order of the Magistrate unless it is perverse or wholly unreasonable or there is non-consideration of any relevant material, the order cannot be set aside merely on the ground that another view is possible. The following has been laid down in para 14: (SCC p. 135)

“14. ... Unless the order passed by the Magistrate is perverse or the view taken by the court is wholly unreasonable or there is non-consideration of any relevant material or there is palpable misreading of records, the Revisional Court is not justified in setting aside the order, merely because another view is possible. The Revisional Court is not meant to act as an appellate court. The whole purpose of the revisional jurisdiction is to preserve the power in the court to do justice in accordance with the principles of criminal jurisprudence. The revisional power of the court under Sections 397 to 401 CrPC is not to be equated with that of an appeal. Unless the finding of the court, whose decision is sought to be revised, is shown to be perverse or untenable in law or is grossly erroneous or glaringly unreasonable or where the decision is based on no material or where the material facts are wholly ignored or where the judicial discretion is exercised arbitrarily or capriciously, the courts may not interfere with the decision in exercise of their revisional jurisdiction.”

16. This position was reiterated in *Bir Singh v. Mukesh Kumar*, (2019) 4 SCC 197: (2019) 2 SCC (Cri) 40: (2019) 2 SCC (Civ) 309: 2019 SCC OnLine SC 13, wherein it was observed at page 205:

“16. It is well settled that in the exercise of revisional jurisdiction under Section 482 of the Criminal Procedure Code, the High Court does not, in the absence of perversity, upset concurrent factual findings. It is not for

the Revisional Court to re-analyse and re-interpret the evidence on record.

17. As held by this Court in *Southern Sales & Services v. Sauermilch Design and Handels GmbH*, (2008) 14 SCC 457, it is a well-established principle of law that the Revisional Court will not interfere even if a wrong order is passed by a court having jurisdiction, in the absence of a jurisdictional error. The answer to the first question is, therefore, in the negative.”

17. This position was reiterated in *Sanjabij Tari v. Kishore S. Borcar*, 2025 SCC OnLine SC 2069, wherein it was observed:

“27. It is well settled that in exercise of revisional jurisdiction, the High Court does not, in the absence of perversity, upset concurrent factual findings [See: *Bir Singh*(supra)]. This Court is of the view that it is not for the Revisional Court to re-analyse and re-interpret the evidence on record. As held by this Court in *Southern Sales & Services v. Sauermilch Design and Handels GMBH*, (2008) 14 SCC 457, it is a well-established principle of law that the Revisional Court will not interfere, even if a wrong order is passed by a Court having jurisdiction, in the absence of a jurisdictional error.

28. Consequently, this Court is of the view that in the absence of perversity, it was not open to the High Court in the present case, in revisional jurisdiction, to upset the concurrent findings of the Trial Court and the Sessions Court.

18. The present revision has to be decided as per the parameters laid down by the Hon’ble Supreme Court.
19. Manohar Lal (PW2) conducted the demarcation and issued the report (Ex.PW2/A) mentioning that the accused Gopal

Chand was found in possession of Khasra No. 1/2, 255/90 and 255/10 measuring 9-0-2 bighas of the land. This Court held in *Param Dev vs State of H.P. 2015:HHC:236* that where the encroachment was less than 10 bighas, the FIR could not be lodged. It was observed:-

“The FIR aforesaid was lodged against the bail applicant for the purported commission of penal acts constituted under the aforesaid statutory provisions, in pursuance of the directions rendered by this Court in Cr.MP(M) No. 1299/2008. This Court had rendered peremptory directions to the respondent to institute/lodge FIRs. against those encroachers who had encroached upon more than 10 bighas of Government/forest land. Obviously, given the fact that the petitioner herein has purportedly encroached upon Government/forest land to the extent of an area measuring 8-6-17 bighas, as such, when the Government/forest land purportedly encroached upon by the petitioner herein constitutes an area less than 10 bighas, naturally then when FIRs were directed to be lodged against encroachers upon Government/forest land, who have encroached therein beyond 10 bighas, which is not the extent of the area of Government/forest land purportedly encroached upon by the petitioner herein/accused, no FIR in pursuance to the directions of this Court was either lodgable or instituteable against the petitioner herein. In sequel, when the FIR as lodged against the petitioner was unlodgable against him, obviously then its being lodged against the petitioner in sequel whereof a Notice of Accusation put to him, constitutes an infraction of the directions issued by this Court in Cr.MP(M) No. 1299/2008, rendering it to be interferable and quashable.”

20. This judgment was followed in *Gambo Devi* (supra).

21. Therefore, the charge sheet could not have been filed against the accused, and the learned Courts below failed to appreciate this aspect.

22. Section 441 of the IPC defines criminal trespass as an entry upon the property in possession of another with intent to commit an offence or to intimidate, insult or annoy any person in possession of such property. It was laid down by the Hon'ble Supreme Court in *Mathri v. State of Punjab, 1963 SCC OnLine SC 180: AIR 1964 SC 986*, that the prosecution has to prove that the aim of the accused was to insult, intimidate or annoy and merely because the insult, intimidation or annoyance was caused by the entry is not sufficient. It was observed:

18. We think, with respect, that this statement of law, as also the similar statements in *Laxaman Raghunath case [26 Bombay 558]* and in *Sellamuthu Servaigaran case [ILR 35 Mad 186]*, is not quite accurate. The correct position in law may, in our opinion, be stated thus: In order to establish that the entry on the property was with the intent to annoy, intimidate or insult, it is necessary for the Court to be satisfied that causing such annoyance, intimidation or insult was the aim of the entry; that it is not sufficient for that purpose to show merely that the natural consequence of the entry was likely to be annoyance, intimidation or insult, and that this likely consequence was known to the persons entering; that in deciding whether the aim of the entry was the causing of such annoyance, intimidation or insult, the Court has to

consider all the relevant circumstances including the presence of knowledge that its natural consequences would be such annoyance, intimidation or insult and including also the probability of something else than the causing of such intimidation, insult or annoyance, being the dominant intention which prompted the entry.

23. This position was reiterated in *Rajinder v. State of Haryana*, (1995) 5 SCC 187: 1995 SCC (Cri) 852, wherein it was observed at page 198:

“21. It is evident from the above provision that unauthorised entry into or upon property in the possession of another or unlawfully remaining there after lawful entry can answer the definition of criminal trespass if, and only if, such entry or unlawful remaining is with the intent to commit an offence or to intimidate, insult or annoy the person in possession of the property. In other words, unless any of the intentions referred to in Section 441 is proved, no offence of criminal trespass can be said to have been committed. Needless to say, such an intention has to be gathered from the facts and circumstances of a given case...”

24. In the present case, the complaint (Ex.PW1/A) only mentions that Gopal Chand had encroached upon UPF in Mohal Koon on the Khasra No. 1/2, 255/10 and 255/9 measuring 10-9-6 bigahs; therefore, a request was made to register a case against Gopal Chand. There is no averment that the accused had encroached upon the land with an intent to commit an offence or intimidate, insult or annoy any person in possession;

therefore, the ingredients of Section 447 of IPC were not satisfied.

25. Section 29 of the Forest Act provides that the State Government may, by notification in the official Gazette, declare the provisions of Chapter IV of the Act applicable to any forest land or wasteland which is the property of the Government, or over which the Government has proprietary rights. Section 30 authorises the State Government to prohibit the breaking up or clearing for cultivation of any land in a protected forest for such terms, not exceeding thirty years, as the State Government thinks fit. Section 31 of the Forest Act provides for the affixation of the translation of every such notification issued under section 30 to be affixed in a conspicuous place in every town and village in the neighbourhood of the forest. Section 32 entitles the State Government to make rules to regulate the clearing or breaking up of land for cultivation or other purposes in such a forest. Section 33 provides penalties for acts in contravention of a notification under section 30 or for rules under Section 32.

26. This Court held in *State of H.P. vs. Amin Chand* 1992 (2) *Shim.LC* 169 that the issuance of the notification and its

publication are necessary to attract the provisions of Section 33 of the Indian Forest Act. It was observed: -

“7. Sections 29 to 39 of the Indian Forest Act, 1927 (shortly hereinafter referred to as 'the Act') are material. The procedure of declaring protected forest is laid down in section 29 of the Act, which provides that the State Government may by notification in the official Gazette declare the provisions of Chapter IV of the Act applicable to any forest land or wasteland which is not included in a reserved forest, but which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest produce of which the Government is entitled. The forest land comprised in such notification is referred to in the Act as a protected forest. Sub-section (3) of section 29 of the Act provides for certain inquiries to be made before declaring a forest as a 'protected forest'. Under section 30, the State Government is authorised inter-alia to declare any trees or class of trees in protected forest to be reserved from the date to be fixed by notification or to prohibit from a date fixed for the removal of any forest produce and the breaking up or clearing for cultivation of any land in a protected forest for such terms, not exceeding thirty years as the State Government thinks fit. Resultantly, the rights of private persons, if any, over such portion shall stand suspended during such term, provided that the remainder of such forest be sufficient and, in a locality, reasonably convenient, for the due exercise of the rights suspended in the portion so closed. The Collector then is required under section 31 to cause translation into the local vernacular of every such notification issued under section 30 to be affixed in a conspicuous place in every town and village in the neighbourhood of the forest comprised in the notification. Section 32 entitles the State Government to make rules to regulate the forest matters set out in the said section, including "clearing or breaking up of land for cultivation or other purposes in such forest". Section 33

provides penalties for acts in contravention of a notification under section 30 or for rules under section 32.

9. Apart from it, even if the aforesaid copy of the notification is assumed to be a legal and valid notification for the sake of argument, the requirement of section 31 of the Act has not been proved. Admittedly, as per the prosecution evidence, the land of the accused adjoins that of the alleged encroached land. Section 31 referred to above envisages that the Collector shall cause a translation into the local vernacular of every notification issued under section 30 to be affixed in a conspicuous place in every town and village in the neighbourhood of the forest comprised in the notification. Here neither oral nor documentary evidence has been adduced to show whether notification (Mark X) was translated in the local vernacular and whether its copy was affixed in a conspicuous place in the neighbouring villages as envisaged therein. This procedure is meant only so that the respondents of the neighbouring villages, much less the accused, may acquire knowledge as to the declaration of a particular forest into demarcated protected forest. In the absence of such procedure having not been followed by the appellant, it would be against the principle of natural justice to permit the subject of a State including the accused to be punished or penalised by laws of which they had no knowledge and of which they could not even with the exercise of reasonable diligence, have acquired any knowledge. Natural justice requires that before a law can become operative it must be promulgated or published. It must be broadcast in some recognisable way so that all persons may know what it is; or at the very least, there must be some special rule or regulation or some other way or customary channel by or through which such knowledge can be acquired with the exercise of due and reasonable diligence. In the absence thereof, a law cannot come into being by merely issuing a notification without giving it due publicity in accordance with the mandatory provisions of law.”

27. This position was reiterated in *State of H.P. Vs. Ravi Kumar 2008 HLJ 363*, wherein it was observed: -

“10. The prosecution has failed to prove that ten pine trees were cut by the respondent from the land in question. There is no evidence on record to link the trees allegedly cut by the respondent to the land in question. No demarcation of the land from where the trees were allegedly cut has been proved on record. There is nothing on record that the forest in question is a notified protected forest. The notification declaring the Forest in question as a protected forest has not been placed on record. There is no evidence of circulation of notification, under Sections 32, 33, read with Sections 30 and 31 of the Act, in the vernacular in the locality. The alleged confessional statements, Ex. PA and Ex. PW 2/A are of no help to the prosecution for want of proof of notification, under Sections 32, 33, read with Sections 30 and 31 of the Act and its publication in the vernacular in the locality...”

28. In the present case, no person deposed about the publication of the notification in the vicinity; hence, the provisions of Section 33 of the Forest Act are not attracted to the present case.

29. Both the learned Courts below proceeded on the basis that the accused had admitted his possession of the land and no further evidence was required to be led. They failed to notice the ingredients of the commission of offences punishable under Section 447 of the IPC and Section 33 of the Indian Forest Act. The accused could not have been held guilty without satisfying

the ingredients merely on the basis of admission. Therefore, the judgments and order passed by the learned Courts below cannot be sustained.

30. No other point was urged.

31. In view of the above, the present revision is allowed, and the judgment of conviction dated 30.5.2014 and order of sentence dated 31.5.2014, passed by the learned Trial Court as affirmed by the learned Appellate Court, are ordered to be set aside, and the accused is acquitted of the commission of the charged offences. The fine amount be refunded after the period of limitation, in case no appeal is preferred and in case of appeal, it be dealt with as per the judgment of the Hon'ble Supreme Court.

32. In view of the provisions of Section 437-A of the Code of Criminal Procedure [Section 481 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)], the petitioner/accused is directed to furnish personal bonds in the sum of ₹25,000/- with one surety in the like amount to the satisfaction of the learned Registrar (Judicial) of this Court/learned Trial Court, within four weeks, which shall be effective for six months with stipulation

that in the event of Special Leave Petition being filed against this judgment, or on grant of the leave, the petitioner/accused, on receipt of notice thereof, shall appear before the Hon'ble Supreme Court.

33. A copy of this judgment, along with the records of the learned Courts below, be sent back forthwith.

34. Pending applications, if any, also stand disposed of.

(Rakesh Kainthla)
Judge

15th May, 2026
(Chander)