



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CRA-S-4770-SB-2014 (O&M)

Date of Decision: 08.07.2025

KOTAL SINGH

.....Appellant

VERSUS

SATPAL KAUR AND ORS.

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. P.P.S. Brar, Advocate for the appellant/appellant.

Mr. Naresh Jain, Advocate for the respondent No.1.

SANDEEP MOUDGIL, J (Oral)

1. This appeal has been filed against the Impugned order dated 18.9.2014 passed by learned Additional Sessions Judge, Faridkot whereby the application U/s 340 Cr.PC filed by the appellant has been dismissed.

2. **Background of the Case**

The appellant, Kotal Singh, has moved this application under Section 340 of the Code of Criminal Procedure, seeking initiation of proceedings against the respondent No.1, Satpal Kaur, and other respondents for allegedly giving false evidence during the trial of a rape case filed by respondent No.1 whereby the present appellant stand acquitted vide judgment dated 30.11.2009.

4. Contention on behalf of the appellant

Learned counsel for the appellant has argued that respondent No.1, Satpal Kaur, had filed a false complaint against the appellant and several others alleging commission of rape. During the course of the trial before the Additional Sessions Judge, Faridkot, the Court vide judgment dated 30.11.2009, categorically held that the complaint was false. The appellant further contended that witnesses examined in support of the complainant's case namely respondents No.2 to 5 also gave false evidence. The appellant relies on the said judgment and submits that in light of the false testimony, an inquiry under Section 340 Cr.P.C. is warranted to prosecute the respondents for perjury.

Therefore, it is contended that the order passed by the trial Court suffers from grave illegality, perversity and the same is based upon surmises and conjectures and as such the same is liable to be set aside.

Respondents' Argument

Learned counsel appearing on behalf of the respondents opposed the application, contending that the trial court in its judgment did not make any specific observation regarding false evidence being given by any particular witness. It was further submitted that the acquittal of the accused persons in the rape case was primarily due to lack of sufficient evidence rather than any definitive finding of falsehood or perjury. Additionally, it was argued that there is no direction or observation in the trial court judgment recommending proceedings under Section 340 Cr.P.C., which is a necessary prerequisite for invoking such proceedings.

5. Analysis

Section 340 of the Code of Criminal Procedure (Cr.P.C.) governs the procedure for courts to initiate proceedings against individuals suspected of offences such as perjury or fabricating evidence during judicial proceedings. A key prerequisite for invoking such proceedings is that the court must form an opinion that it is expedient in the interests of justice to inquire into the alleged offence, and this formation of opinion must typically be reflected in the trial court's judgment as a clear direction, observation, or recommendation for further proceedings under Section 340 Cr.P.C

I have carefully perused the judgment dated 30.11.2009 passed by the Additional Sessions Judge, Faridkot, in the rape case. The record reveals that the prosecutrix, Satpal Kaur (respondent No.1) appeared as PW3, while PW2 Rajinder Singh and PW4 Kala Singh did not support the prosecution's version. The remaining support to the prosecution case came from PW5 Balraj Singh.

The trial court took into account two key affidavits:

- *Ex.DE: An affidavit by Mukhtiar Kaur, produced by the defence through DW1 Anil Kumar (Reader to Tehsildar, Faridkot), which contradicted the complainant's version.*
- *Ex.DX: An affidavit submitted by the prosecutrix herself to the SSP along with an application, which also contained statements inconsistent with the contents of the criminal complaint.*

After evaluating the testimonies and these affidavits, the trial court concluded that the complaint was not trustworthy and held it to be false, leading to the acquittal of the accused persons.



However, upon examination, it is evident that the trial court did not record any finding against any specific witness or party for giving false evidence. There is no recommendation or reference made for initiation of proceedings under Section 340 Cr.P.C. The acquittal appears to be based on insufficiency of evidence rather than on a categorical finding of perjury or fabrication of evidence by the complainant or the witnesses. Mere acquittal or disbelieving the prosecution version does not automatically warrant proceedings under Section 340 Cr.P.C. It is imperative that the court forms a clear opinion that false evidence was intentionally given, and that it is expedient in the interests of justice to initiate such proceedings. No such finding or opinion is present in the impugned judgment.

6. Conclusion

In light of the above discussion, and in the absence of any explicit observation or recommendation from the trial court regarding the giving of false evidence by any witness, I do not find any merit in the present appeal. Accordingly, the appeal filed against the impugned order dated 18.09.2014, under Section 340 Cr.P.C., is hereby dismissed.

08.07.2025
anuradha (a)

(SANDEEP MOUDGIL)
JUDGE

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