

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

**Crl. Appeal D-141-DB of 2014
Date of Decision: July 14, 2015**

Kanni

.....Appellant.

Versus

State of Haryana & others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN**

Present : Mr. M.S.Rana, Advocate
for the appellant.

T.P.S.MANN, J.

The appellant has filed the present appeal for challenging the judgment and order dated 10.7.2013 passed by the Additional Sessions Judge, Yamuna Nagar at Jagadhri, whereby the accused/respondents No. 2 to 10 stand acquitted of the charges under Sections 436/429/506 read with Section 149 IPC.

In brief, the prosecution case is that the appellant are five brothers and living separately. In connection with demarcation of land for the purpose of construction of a Dharamshala adjoining to their house, the Block Development

Officer, Bilaspur, had visited their village. Ten days later i.e. on 26.5.2010 at about 7:30 a.m. some of the villagers started digging foundation in the presence of Sarpanch and residents of the village. The appellant's brothers Aslam and Islam, his father Reham Baksh, mother Akbri, Jinti wife of Barkhudeen and Shukardeen Lambardar reached there and insisted upon digging the foundation at the point, which was earmarked in the presence of the Block Development Officer. Respondents No. 2 to 10 after conniving with one another and armed with lathies and dandies etc., came there and asked that the wall would be constructed at the place where the foundation was being dug. The accused caused injuries to the appellant, his father Reham Baksh, mother Akbri, Jinti wife of Barkhudeen and Shukardeen Lambardar. The Chhan meant for keeping cattle was set ablaze. The appellant and his party men rushed towards the Chhan and saved their cattle. However, one calf died due to fire. The fire destroyed the adjoining Chhans and damaged the articles lying therein.

Having heard learned counsel for the appellant and on going through the impugned judgment passed by the trial Court, this Court finds that the prosecution has not been able to establish the place of occurrence. It is also not shown as to whether the accused were digging foundation for the construction of Dharamshala on the land of the complainant party. Even the

ingredients of Section 506 IPC have not been proved as there is no material that the accused persons had extended any threat. The prosecution has been successful only to the extent of the accused sharing the common object of causing injuries to the complainant party and pursuant thereto injuries caused by them to the complainant and his family members besides Shukardeen Lambardar and for that the accused stand convicted under Sections 148 and 323 read with Section 149 IPC.

In view of the above, no case is made out for any interference with the impugned judgment to the extent of acquitting respondents No. 2 to 10 of the charges under Sections 436/429/506/149 IPC.

The appeal is without any merit and is, therefore, dismissed.

**(T.P.S. MANN)
JUDGE**

**July 14, 2015
amit rana**

**(MAHAVIR S. CHAUHAN)
JUDGE**