

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Appeal No.D-901-DB of 2015

Date of Decision : September 16, 2015

Sham Lal

.....Appellant

Versus

Omkar alias Oma and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE GURMIT RAM

Present : Mr. Sandeep Arora, Advocate.

T.P.S. MANN, J.

The appellant has filed the present appeal for challenging the judgment dated 4.10.2013 passed by the learned Sessions Judge, Pathankot whereby respondent No.1-Omkar alias Oma stands acquitted of the charges under Sections 295 and 436 IPC.

The case of the prosecution, in nutshell, is that the appellant is President of Ravi Dass Society of village Bhadrali. When the Society started construction of temple on the government land, accused Omkar alias Oma started objecting to the same. The construction was stopped for some time but, later on, it was completed and Pooja used to be performed everyday. Some miscreant uprooted the religious flag installed in the temple and also cut the ropes of the tent. On 13.11.2012, someone lit fire inside the temple as a result of which many articles were destroyed. On 12.12.2012, the temple was set on fire and as a result, photographs of Maharaj Ravi Dass were burnt. Even the curtains and other articles were reduced to ashes. The appellant felt that it was the accused who had set the temple on fire. In the process, the religious feelings of the appellant and other members of Ravi Dass community were hurt.

Having heard learned counsel for the appellant and on going

through the impugned judgment, this Court finds that though the appellant while appearing as PW1 and one Lal Chand as PW2 deposed that the temple was put on fire by the accused on 12.12.2012 between 10.00 a.m. and 10.30 a.m. but they testified that they had not seen the accused putting the temple on fire. Rather, they had suspicion against him of having set the temple on fire. The appellant admitted that the temple was put on fire between 10.00 a.m. and 10.30 a.m. but he had reached the temple only at 10.30 a.m. Therefore, suspicion against the accused of having set the temple on fire is not sufficient to hold that it was the accused who was the one who put the temple on fire.

The alleged occurrence had taken place on 12.12.2012 but the FIR came to be lodged on 14.12.2012. While lodging the FIR, the appellant stated that the FIR could not be lodged promptly as some talks of compromise started but it was not so stated either by the appellant or by PW2-Lal Chand at the trial of the case. Such an explanation can also not be accepted as it was the prosecution case itself that the parties were pitted against each other and the accused had been objecting to the construction of the temple and had also made complaint to the Block Development Officer for removing the construction made by the complainant party for setting up a temple on the government land.

In view of the above, no case is made out for any interference in the impugned judgment of acquittal.

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

(T.P.S. MANN)
JUDGE

(GURMIT RAM)
JUDGE