

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

**Crl. Misc. No. A-244-MA of 2013  
Date of decision: 16.02.2015**

**Sheonath**

**...Applicant-Appellant**

**versus**

**Sudan and another**

**...Respondents**

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. Vijay Singh Kajla, Advocate,  
for the applicant-appellant.

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**RITU BAHRI, J.**

Challenge in this appeal is to the judgment dated 01.03.2013 passed by the Additional Chief Judicial Magistrate, Hisar, whereby accused-respondents have been acquitted of the charges framed against them.

The case of Sheonath-complainant was that on 02.08.2001, he along with his family members was present in his house. At about 11.00 A.M., all the accused namely Moongi Lal, Om Parkash, Satish Jain, Rajinder, Inder, Sunder, Anand, Krishan, Mani Ram, Kashmiri and Shankar came there and destroyed his house by setting it on fire. They have also taken away Rs.5000/- cash, T.V., three bags of wheat, 50,000 bricks and other articles with them. Regarding this incident, FIR No. 842 was registered by the police. However, during investigation, the allegations were found to be false and ultimately, a cancellation report was submitted before the Court. However, the complainant was not satisfied with the report submitted by the police and filed the present complaint.

In order to prove his case, Sheonath-complainant himself

appeared as PW-1 and his wife Smt. Sarbati was examined as PW-2.

After going through the evidence led by the parties, the trial Court acquitted the accused-respondents of the charges framed against them.

Heard.

Before the trial Court, complainant was examined as PW-1, whereas his was examined as PW-2. Apart from these two witnesses, none of the persons who were present at the spot, were examined. The defence taken by the accused-respondents before the trial Court was that they had removed the encroachment made by the complainant upon the Panchayat land. Sh. Satish Kumar Jain, BDO, Hisar was impleaded as accused No.2 in the complaint. He had approached this Court by filing CRM-M-18725 of 2009, which was disposed of vide order dated 06.11.2012 by observing that it was the Block Development and Panchayat Officer, who had inspected the spot and got the unauthorized construction removed on 02.08.2001.

The present occurrence with regarding to setting the house of complainant on fire is also dated 02.08.2001. Moreover, in his cross-examination, the complainant has admitted that at the time of occurrence, the police was also present there. Furthermore, during investigation which was earlier carried out in FIR No.842, the allegations levelled by the applicant-appellant were found to be false. The allegations have not been supported by necessary evidence, as the photographs annexed with the complaint, have not been duly proved.

After going through the impugned judgment, this Court is of the view that there was no evidence against accused-respondents with regard to the alleged incident, which took place on 02.08.2001. The impugned judgment of acquittal has been passed after appreciating entire evidence in

the right perspective and no ground is made out to interfere in the findings returned by the trial Court.

Dismissed.

**(RITU BAHRI)**  
**JUDGE**

16.02.2015  
ajp