

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Appeal No. S-725-SB of 2015
Date of Decision : September 22, 2015

Balwinder Singh

.....Appellant

VERSUS

State of Punjab and another

.....Respondents

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

Present : Mr. S.S. Rana, Advocate.

T.P.S. MANN, J.

Appellant-Balwinder Singh, who had received injuries in the occurrence and, thus, a 'victim' as defined under Section 2(wa) of the Code of Criminal Procedure, has filed the present appeal for challenging the judgment dated September 25, 2014 passed by the learned Additional Sessions Judge, Ludhiana whereby respondent No.2-Amarjit Singh stands acquitted of the charges under Sections 452, 323 and 427 IPC.

Briefly stated, the case of the prosecution is that on 14.10.2010 at about 8.30 p.m., respondent No.2-Amarjit Singh and his relative Jagdev Singh, while under the influence of liquor, damaged the car of the appellant and after catching hold him, threw him on the ground and inflicted injuries upon him. During the investigation of the case, Jagdev Singh was found to be innocent and the final report under Section 173 Cr.P.C. was submitted against respondent

No.2-Amarjit Singh.

After hearing learned counsel for the appellant and on going through the impugned judgment, this Court finds that neither the appellant got himself admitted in any hospital to establish that he had received injuries in the occurrence nor the prosecution examined any mechanic to prove the damage to his car. Further, in order to explain the injuries received by the respondent-Amarjit Singh, the appellant stated before the trial Court that Amarjit Singh had fallen on the bucket and sustained injuries. However, the said fact did not find mention in statement Ex.PA made by the appellant, on the basis of which FIR was registered.

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**

September 22, 2015
satish