

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.A-1055-MA of 2015

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Date of decision:9.9.2015

Guru Dutt Garg

...Applicant

v.

Raj Rani

...Respondent

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Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Ashok Kaushik, Advocate for the applicant.

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Inderjit Singh, J.

This criminal miscellaneous application has been filed under Section 378(4) Cr.P.C. against Raj Rani-respondent praying for the grant of leave to appeal against the judgment of acquittal dated 26.3.2015 passed by learned Judicial Magistrate Ist Class, Palwal.

It is stated in the application that the applicant is filing the accompanying appeal, which is likely to succeed on the grounds taken therein. It has been prayed that the present application may be allowed and the leave to appeal may be granted against the order of acquittal.

I have heard learned counsel for the applicant and have gone through the record.

From the record, I find that Guru Dutt Garg, Reporter/Cameraman, Haryana News Channel, Palwal, filed the complaint against Raj Rani, proprietor of Raj Gas Agency, Palwal, for the offences under

Sections 148, 149, 323, 342, 356, 506 and 511 IPC. It is stated in the complaint that the complainant is not satisfied with the cancellation report submitted by the Police. He submitted that on 14.9.2007, he was present at Raj Gas Agency at about 2.00 p.m. and at that time six to seven customers were knocking the door of the Agency which was closed. The complainant after interacting with two-three customers got the door opened and had a word with the owner of the Agency i.e. accused Raj Rani and, thereafter, inquired about the grievances of the customers in front of Camera. At that time, the employees of Gas Agency called the complainant inside the Agency and started verbal fight with him. The accused asked for a written permission in favour of the complainant from the Deputy Commissioner for coming to the Agency and clicking photographs and also tried to snatch the mike and camera. Thereafter, the accused asked her son and other employees to confine him whereby he was confined inside the Gas Agency despite his numerous requests that he is a Media person. Thereafter, the complainant was rescued after the intervention of the Police. He submitted that the accused along with seven other unknown persons had committed the offences.

On the basis of preliminary evidence, accused/respondent Raj Rani was summoned for the offences under Sections 323 and 342 IPC. After the evidence, the learned Judicial Magistrate Ist Class, Palwal, vide judgment dated 26.3.2015 acquitted the accused of the charges framed against her by giving the benefit of doubt.

At the time of arguments, learned counsel for the applicant has

not pointed out as to how the findings given by the learned Judicial Magistrate Ist Class in the impugned judgment are perverse or against the evidence. Nothing has been pointed out which evidence has been misread by the Court. Nothing has been pointed out which material evidence has not been considered by the Court. It is in the complaint itself that the Police already filed the cancellation report in this case and then this complaint has been filed. The learned Judicial Magistrate Ist Class, Palwal, has discussed in minute detail the evidence produced on the record and the contradictions etc. in the statements of the witnesses. The learned Judicial Magistrate Ist Class after discussing the evidence held that the complainant has made improvements from his original complaint drastically. In the complaint, he did not utter even a single word that he was beaten by the accused or her workers, but in his pre-charge evidence, he deposed that as soon as he went inside the Agency, Raj Rani and her son attacked him and snatched his camera. The learned Judicial Magistrate Ist Class also discussed that in the complaint he merely deposed that the accused tried to snatch his Camera, but in the pre-charge evidence he has deposed that the accused and her son snatched his Camera. He also made improvements when he tried to take back the Camera then Raj Rani asked his workers to beat him which has not been so mentioned in his complaint. The Court further held that the son of the complainant and workers belaboured him with kicks and fists and forcefully confined him in a corner, but the fact regarding beating by so many person has not find any mention in his complaint. There is no medical examination of the present complainant and the Court held it improbable

that if the person was given beating by so many persons, he will not get himself medically examined. The learned Judicial Magistrate Ist Class further found that the complainant's version is falsified from the testimony of Om Parkash CW-3, who has deposed to the extent that it is correct that Guru Dutt was fired from the channel as he lodged the present case falsely. He has deposed that he was not satisfied about the truthfulness of the present case. He admitted that many cases have been lodged against Guru Dutt under Information Technology Act. The Court held that the witness of the complainant did not support his version.

A perusal of the judgment passed by the Court below shows that it is as per evidence and law. In no way, it can be held that the reasoning given by the learned Judicial Magistrate Ist class are perverse. As already discussed, there is nothing on record to show that any material evidence has been misread by the Court nor there is anything on the record to show that any material evidence has not been considered by the Court.

Therefore, from the above, I find that the findings given by the learned Judicial Magistrate Ist Class in the impugned judgment are as per evidence and law.

Therefore, from the above discussion, I do not find any ground to grant leave to file appeal. Consequently, finding no merit in the criminal miscellaneous application filed under Section 378(4) Cr.P.C. seeking leave to appeal, the same is dismissed.

September 9, 2015.

(Inderjit Singh)
Judge

hsp