

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

CRM-A-1011-MA of 2014 (O&M)
Date of decision : 19.11.2015

Nasib Kaur

...Petitioner

Versus

Neelu and others.

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Achin Gupta, Advocate for the applicant-appellant.

JITENDRA CHAUHAN, J. (Oral)

This appeal is directed against the impugned judgment dated 24.04.2014, passed by the learned Additional Chief Judicial Magistrate, Moga, whereby the respondents were acquitted from the charges framed against them under Sections 452/323/352/427/148/149 of the Indian Penal Code (for short 'IPC').

The learned counsel for the applicant-appellant contends that the respondents had forcibly entered into the house of the appellant and gave beatings to her with sticks. In addition to this, they had demolished the wall of her house to carve out a passage from there. The statements of sister of the complainant and eye witness Gurmeet Kaur CW-3 supported the alleged incident. He submits that while passing the impugned judgment,

the trial Court had ignored these material facts.

I have heard the submission made by the learned counsel and have carefully gone through the record.

The trial Court has rightly acquitted the respondents as the applicant-appellant did not produce any record or evidence to prove the injuries on her person allegedly suffered in the incident. She also admitted in the cross-examination that the land in dispute was the *shamlat* land and unable to produce the title deed of her house and the property, in question.

Keeping in view the above, the finding of acquittal recorded by the trial court cannot be said to be perverse or contrary to the material on record. In fact there is no infirmity in the reasoning assigned by the trial court for acquitting the respondents, this Court feels that the learned Additional Chief Judicial Magistrate, Moga has passed the impugned judgment dated 24.04.2014 after appreciating the entire facts and circumstances of the present case and no other view is possible.

Accordingly, the leave to appeal stands declined.

Dismissed.

19.11.2015

ashok

(JITENDRA CHAUHAN)
JUDGE