

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-A-1181-MA-2014 (O&M)
Date of Decision: February 12, 2015.

Sant Ram

...Appellant

Versus

Banta Ram and others

... Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Rajender Helwa, Advocate
for the petitioner.

Ritu Bahri, J.(Oral)**CRM-22545-2014**

This is an application for condonation of delay of 35 days in filing
the present appeal.

Delay in filing the appeal is condoned.

CM is disposed of.

CRM-A-1181-MA of 2014

Challenge is to the judgment dated 27.3.2014 passed by the Judicial
Magistrate 1st class, Pehowa, whereby accused have been acquitted of the charges
framed against them under Sections 323/325/452/506 IPC.

As per the allegations, there was a dispute between the complainant
and the accused with regard to a space in front of the house of the complainant and
a civil case was pending in the Court at Pehowa, wherein on 4.4.2008 a stay order
was granted. It is alleged that on 7.9.2010 at about 11.00 a.m. when the
complainant came home, then all the accused/respondents came to his house.
Accused / respondents No. 1 and 2 raised *lalkara* and thereafter accused No. 1,2,3
and 6 broke the door and trespassed in his house. Accused No. 3 gave *gandasi*
blow on the right side of his ear, as a result of which he fell down.
Accused/respondents No. 4 and 5 gave *lathi* and kick blows on the right side of
chest of complainant. Accused/respondent No. 6 gave *danda* blow on the shoulder
and accused/respondent No. 1 gave *lathi* blow on knees of the complainant.

Complainant reported the matter to the police but no action was taken. Ultimately, he filed the present complaint.

Notice was issued to the accused/respondents. Trial Court examined the evidence led by the complainant. CW-1 eye-witness in his deposition deposed that a fight had taken place in the street. The complainant in his cross-examination admitted that in the application Ex. C-2, made to the SHO it was not mentioned that fight had occurred in his house. Therefore, the eye-witness has not corroborated the version of the complainant that the fight had taken place in the house and thus offence under Section 452 was not made out.

As regards the allegations of injuries, the Doctor who had conducted the MLR was not examined by the complainant. The allegations with regard to giving of threats to the complainant was also not reiterated by the complainant in his statement before the Court. As such, offence under Section 506 IPC was not made out. The complainant further did not examine any official from the Police Department to prove that he made an application Ex. C-2 to the SHO. As per the evidence led by the complainant, the trial Court has rightly acquitted the accused as no offence under Section 452, 325, 506 were made out. In view of above, the judgment of acquittal does not require any interference.

Dismissed.

(Ritu Bahri)
Judge

February 12, 2015

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