

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
2015.02.13 12:29
I attest to the accuracy and
authenticity of this document

CRM No. A-1575-MA of 2014 (O/M)

Date of decision : 10.2.2015

Hari Ram

..... Applicant

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sukhraj Singh Brar, Advocate, for the applicant.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Applicant/complainant has filed this application under Section 378 (4) Cr.P.C. for grant of leave to appeal against the judgment dated 31.7.2014, passed by the learned Sub Divisional Judicial Magistrate, Dabwali, vide which the complaint filed by the present applicant Hari Ram against the private respondents, was dismissed.

Suffice to say that as per the allegations levelled in the complaint, the accused had assaulted Sudesh Bala, daughter of the complainant on 25.11.2007 at about 3:00/3:30 PM. Accused Om Parkash is stated to have given lathi blow and his two sons, namely, Charan Singh and Kalu Ram slapped her. The ear rings of Sudesh Bala also fell down.

A perusal of the file shows that the complainant had admitted in his cross-examination that on the complaint of the accused, FIR No. 32 dated 1.5.2000 was registered under Sections 323, 324, 326 and 34 IPC at Police Station Odhan for causing injury to Kalu Ram and his sisters Sumitra and Pavitra. They were ultimately convicted and sentenced. Sudesh Bala has merely stated that accused had slapped her. As per the statement of the doctor, only one injury was found on the person of Sudesh Bala and that injury was an abrasion of 2 cm x 1 cm on the left hand between the thumb and the index finger with swelling of left thumb. The doctor has opined that the possibility of such injury being self inflicted cannot be ruled out. There is no corresponding injury mark regarding the slaps and punch blows given by the accused. Therefore, the trial Court came to the conclusion that the injuries are not corroborated by medical evidence and that the statements of the complainant and his daughter are not believable. I find no ground to differ with the said finding. The trial Court has taken one of the two possible view. The view cannot be called perverse or illegal. As such, the permission for leave to appeal is declined.

The present application is accordingly dismissed.

(KULDIP SINGH)
JUDGE

10.2.2015
sjks