

...

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-A-174-MA-2014

Date of Decision : October 16th, 2015

Anil

.... Applicant

Versus

State of Haryana and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Present Mr.Vijay Kumar Sheoran, Advocate,
for the applicant.

Mr. Naveen Sheoran, DAG, Haryana
for the respondent-State.

Mr. Bhupinder Ghangas, Advocate,
for respondents No. 2 to 4.

SHEKHER DHAWAN, J.

This is an application filed by Anil – Complainant-applicant under Section 378(4) of Code of Criminal Procedure for grant of leave to appeal against judgment dated 18.11.2013 passed by Judicial Magistrate Ist Class, Bhiwani, whereby respondents No. 2 to 4 were acquitted in Criminal Complaint No. 208-1 dated 14.12.2010 titled **Anil Vs. Indrawati and others** under Sections 211, 490, 500, 501 read with Section 120-B IPC.

Learned counsel for the applicant submitted that the evidence produced by the complainant was totally ignored by the Court below. Four witnesses were examined on his side, whereas the private respondents

...

have not led any evidence by way of statement of any witness or production of documents in defence, still they have been acquitted of the charges levelled against them. So, leave to appeal be granted.

Learned counsel for respondents No. 2 to 4, on the other hand, has submitted that the complaint is primary under Section 211 IPC. However, basic ingredients of Section 211 IPC are not met with in this case. Moreso, no documentary evidence was produced on the file by the complainant showing the date of birth of Anup Kumari as 30.03.1991 and as such, it is not established that she was major on 11.3.2010 when FIR was recorded.

A perusal of the judgment dated 18.11.2013 passed by learned Magistrate clearly shows that the trial Judge has already dealt with all these aspects minutely on the basis of evidence available on the file.

In view of the above, this Court is of the considered view that there is no ground for grant of leave to appeal against the judgment dated 18.11.2013 passed by Judicial Magistrate Ist Class, Bhiwani. Resultantly, the present application seeking leave to appeal is without any merit and same stands dismissed.

(SHEKHER DHAWAN)
JUDGE

October 16th,2015
som