

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

**Criminal Misc.No.A-1942-MA of 2014 (O&M)**  
**Date of decision: 13<sup>th</sup> October, 2015**

Prem Pal

...Applicant

Versus

Jagir Singh

...Respondent

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr. Munish Mittal, Advocate,  
for the applicant.

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**INDERJIT SINGH, J.**

Applicant Prem Pal has preferred this application under Section 378(4) Cr.P.C. seeking permission for leave to file appeal against respondent Jagir Singh, challenging the impugned judgment dated 20.09.2014, passed by the learned Additional Chief Judicial Magistrate, Yamuna Nagar at Jagadhri, whereby the complaint filed by him was dismissed and accused-respondent was acquitted.

It is stated in the application that the accompanying appeal has been filed which is likely to succeed. The complaint was dismissed and the accused was acquitted by the Court of learned Chief Judicial Magistrate, Yamuna Nagar at Jagadhri. The applicant has a very good prima facie case in his favour. It is prayed that leave be granted to the applicant to file appeal.

Brief facts of the case are that Prem Pal applicant-complainant (hereinreferred as 'the complainant') has filed a

complaint under Sections 323, 506 IPC against Jagir Singh respondent-accused (hereinreferred as 'the accused') on the allegation that on 02.03.2009, when he alongwith other persons was crossing the Court veranda in front of the Bakshikhana in District Court, suddenly his shoulder touched to the shoulder of accused on which the accused started abusing and slapping him and caught hold him from his neck. He also gave rifle butt blow on his head due to which he sustained multiple injuries on his head and other parts of the body. It is also stated in the complaint that accused also threatened to kill him. Thereafter, the complainant was taken to police post where FIR No.89 dated 02.03.1989 was registered under Sections 332, 353, 186 against him on false grounds by misusing the position of accused. It is also stated in the complaint that on the next day he got medico legally examined himself.

The learned trial Court, on the basis of evidence, acquitted the accused-respondent vide impugned judgment, as stated above.

Feeling aggrieved against the said impugned judgment, the applicant has preferred the instant application.

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

From the perusal of the record especially from the impugned judgment, nothing has been pointed out as to how the reasoning given by the learned Court below is perverse or against the evidence. Nothing has been pointed out as to which evidence

has been misread and which material evidence has not been considered by the learned Court below. The learned trial Court held that as per complainant's version, Chunni Lal, Satpal and Ajit Kumar were present at the time of occurrence but none of them has been examined. Only complainant alongwith doctor has come to the witness box. There is no independent corroboration and the learned Court below held that it is unsafe to convict the accused on the solitary statement of complainant which remained uncorroborated by any other witness especially in the circumstances when on the same day FIR was registered against complainant under Sections 332, 353 and 186 IPC and after the trial, he was convicted vide judgment dated 21.02.2013 Ex.DB in that FIR. As the complainant has already been convicted regarding the same occurrence in a State case, it means that the version given by the present accused in that FIR was believed. The learned trial Court also found from the cross-examination of complainant that son of the sister of complainant was arrested in a rape case and the complainant wanted to serve him tea and when he was stopped, then the occurrence took place and the complainant torn the uniform of accused Jagir Singh, who being police official, was present there on official duty. The learned Court below also discussed that had the complainant been received injuries on 02.03.2009, he should have moved an application before the Court to get medico legally examined himself but he did not do so, rather he refused to get him medically examined. The complainant

has admitted his writing on application Mark-A whereby he refused to get himself medically examined. From the above reasoning and the evidence produced by the complainant, this Court finds that the evidence has been appreciated in the right perspective by the learned trial Court. In no way, the findings can be held as perverse or against evidence or law. The impugned judgment, passed by the learned Court below is correct and as per evidence and law and does not require any interference by this Court.

From the aforesaid discussion, no ground for grant of leave to the applicant to file appeal is made out. Therefore, finding no merit in the instant application, the same is dismissed.

**13<sup>th</sup> October, 2015**  
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**(INDERJIT SINGH)**  
**JUDGE**