

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

CRM-A-274-MA-2015 (O&M).

Date of Decision: 04.08.2015.

Rattan Lal

....Appellant.

VERSUS

Surender and others

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Binat Sharma, Advocate for
Mr. Rajneesh Chadwal, Advocate for the appellant.

SNEH PRASHAR, J.

CRM-5544-2015

There was a delay of 65 days in filing the present appeal.
Alongwith the appeal, this application under Section 5 of the Limitation Act
for condonation of delay was filed by the appellant.

In view of submissions made in the application, the delay is
condoned and accordingly the application is allowed.

CRM-A-274-MA-2015

Assailing the judgment dated 04.10.2014 passed by learned
Chief Judicial Magistrate, Narnaul, vide which the respondents-accused
were acquitted in criminal complaint No.142 of 2013, Rattan Lal, appellant-
complainant preferred the instant appeal.

2. The complaint filed by the appellant consisted of allegations

that he had a share in his ancestral house situated in village Surani and he also owned another house in the same village which was his self acquired property. Since respondents Surender Singh and others (arrayed as accused in the complaint) intended to grab his property, he filed a civil suit for partition. On 27.11.2008 at about 12:30 p.m. when he (complainant) after attending proceedings in a criminal complaint filed by him against Surender and his wife Smt. Sangeeta (respondents No.1 and 2) was going towards a tea shop within the court premises, the respondents nabbed him and asked him to withdraw the complaint and the civil suit. They threatened to kill him if he did not concede to their wish. As he refused to accept their demand, Surender gave a leg blow in his stomach, Sangeeta hit him with a stone on his back, Babu Lal (respondent No.3) inflicted leg blow on his private part, Smt. Badami (respondent No.4) gave repeated blows with a *danda* on his hand and Ram Pratap (respondent No.5) inflicted fist blows upon him. Several persons gathered at the spot and rescued him from the clutches of the respondents.

The complainant added that while inflicting injuries the respondents levelled false allegation against him that he had not spared even their daughter-in-law and by saying that they defamed him. He reported the matter to the police but the police officials colluded with the respondents and refused to lodge a First Information Report against them or to get him medico legally examined. He went to the hospital but in connivance with the respondents the doctor also refused to medico legally examine him.

3. On the basis of the preliminary evidence led by the appellant, the respondents were summoned for commission of offence under Sections 323/500/506 read with Section 34 of the Indian Penal Code (for short "I.P.C."). After appearance of the respondents, the appellant adduced pre-charge evidence in which he himself stepped into the witness box and reiterated his allegations.

4. Based on the material available on record, the respondents were charge sheeted for commission of offence under Sections 323 and 506 I.P.C. to which they pleaded not guilty and claimed trial.

During the after charge evidence, the respondents further cross examined the appellant. In addition to his statement, appellant tendered in evidence documents Ex.P1 to P9 relating to the other litigation pending between the parties.

5. After closure of evidence of the appellant, statement of the respondents under Section 313 of the Code of Criminal Procedure (for short, "Cr.P.C.") was recorded. The respondents again pleaded innocence and false implication and opted to produce evidence in defence.

In their defence evidence, the respondents tendered in evidence documents Ex.D1 to Ex.D6.

6. Considering the oral and documentary evidence produced by the appellant as well as the respondents and the submissions made on their behalf, learned trial court came to the conclusion that the complainant had miserably failed to bring home guilt to the respondents and accordingly acquitted them of the charges levelled against them.

7. Aggrieved by the judgment of acquittal dated 04.10.2014 passed by learned Chief Judicial Magistrate, Narnaul, the appellant has preferred the instant appeal.

8. The submissions made by Mr. Binat Sharma, learned counsel appearing for the appellant have been considered.

9. Respondents No.3 to 5 are none else but real brothers and sister-in-law (Bhabhi) of the appellant. Respondents No.1 and 2 were also closely related to the appellants. In nut shell, the allegation of the appellant was that on 27.11.2008 after attending the proceedings in the criminal complaint filed by him against Surender and his wife Sangeeta (respondents No.1 and 2) in the court of Additional Chief Judicial Magistrate, Narnaul, when he was going towards a tea shop for taking tea within the court premises, the respondents caught hold of him, threatened him and gave him beatings to pressurize him to withdraw the criminal complaint as well as civil suit filed by him. The appellant alleged that during the occurrence several people gathered at the spot and rescued him from the clutches of the respondents. He also stated that he was bleeding from the injuries inflicted by the respondents.

During evidence, except for his solitary self serving statement, no other public or official witness could be examined by the appellant to support his version. Also, no medical evidence was produced by him to substantiate his allegation that he had suffered injuries during the occurrence. His allegation that at the Government Hospital, Narnaul, the doctor refused to medico legally examine him in collusion with the

respondents, does not appear to be true or plausible. Admittedly, at the relevant time, he did not approach any senior authority in the District Court or of the police or at the Government Hospital to complain that despite the violent incident in the court premises, no action was being taken by the police and he was also not being medico legally examined by the doctor. In any case, when the complainant had suffered injuries and was bleeding from the same, he must have taken treatment from some private doctor/hospital. However, no treatment/prescription slip issued by any doctor was produced by him.

The complainant could also not produce any evidence to prove that on 27.11.2008 he was present in the court premises for attending proceeding in some complaint filed by him against respondents No.1 and 2. From his own statement, it is apparent that he had initiated multiple litigation against the respondents/family members. He admitted that he had filed 15-20 cases against his brother, father, son, brother-in-law, wife and other villagers. He tendered documents Ex.P1 to P9 relating to various complaints and other cases filed by him. In view of his said conduct and there being no substantive and reliable evidence to substantiate his allegations, there appears no ground to intervene in the judgment of acquittal passed by learned trial court. Accordingly, declining the leave to appeal to the complainant, the instant appeal is dismissed.

(SNEH PRASHAR)
JUDGE

04.08.2015
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