

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

CRM-A-57-MA-2015 (O&M)

Date of decision: 14.7.2015

Sukhdev Kumar

...Appellant

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. A.S. Bhatti, Advocate for the applicant/appellant.

Rajan Gupta, J.

Appellant Sukhdev Kumar filed a complaint under sections 452, 323, 392, 427, 506, 120-B IPC against the respondents. After recording the preliminary evidence, respondents were ordered to be summoned under sections 452, 323, 427, 506 read with Section 120-B IPC. After appreciating the pre-charge evidence, learned trial court charge-sheeted the respondents for the offence punishable under sections 452, 427, 506 and 120-B IPC. The appellant again appeared as CW4 and also produced Rajni Bala as CW1 and Hardip Singh as CW3.

After appreciating the entire evidence, the trial court came to the conclusion that the complainant had failed to substantiate the charge levelled against the respondents. The respondents were, thus, acquitted by extending them benefit of doubt. Aggrieved by the same, the appellant has filed the instant appeal alongwith an application bearing CRM-A-57-MA-2015 under section 378 (4) Cr.P.C. for grant of leave to

appeal.

I have heard learned counsel for the applicant/appellant and given careful thought to the facts of the case.

After having re-scanned the entire evidence, this court is of the view that the finding of the trial court in discharging the case of the appellant (complainant) is not perverse on any count. It is not possible to take a different view on the basis of available evidence. It is evident that after framing charge, the appellant himself had stepped into the witness-box as CW4 and also examined Rajni Bala and Hardip Singh as CW1 & CW3. The complainant failed to produce any other witness in support of the allegations levelled by him in the complaint. He failed to prove the guilt of the accused beyond any shadow of reasonable doubt. There are material discrepancies in the statements of the witnesses examined by the complainant and their evidence do not inspire confidence. The complainant has failed to examine Rajesh Kumar, Rakesh Kumar and Raj Rani who are stated to have been assaulted by the accused. CW1 Rajni Bala has admitted in her cross-examination that Sukhdev Singh was not involved in the occurrence. She also admitted that her father-in-law namely, Sukhdev Kumar (complainant) was not on good terms with Gurbachan Singh due to civil litigation. There are several contradictions in the evidence of the complainant-applicant. Neither any injury has been proved nor any specific allegation has been levelled against any of the accused. The witnesses examined by the complainant have tried to make improvement in their version and the material witnesses have been withheld by the complainant.

Learned counsel for the appellant has not been able to show how the evidence has been misappreciated by the court below. There can be no doubt that there is complete lack of independent corroboration in the story of the appellant.

It is well settled that the order of acquittal is to be disturbed only if the same is palpably wrong, manifestly erroneous or demonstrably unsustainable resulting in miscarriage of justice. The case in hand is not of that type. I, thus, see no ground to interfere with the decision appealed against and decline grant of special leave to appeal.

Consequently, CRM-A-57-MA of 2015 is hereby dismissed.

(RAJAN GUPTA)
JUDGE

14.7.2015
'Rajpal'