

**CRM-11281-2015 in/and
CRM-A-621-MA-2015
Date of decision: September 14, 2015**

..... Appellant

..... Respondents

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SHEKHER DHAWAN, J. (ORAL)

CRM-11281-2015

Prayer made in this application for condonation of delay of 76 days in filing the appeal. The applicant-appellant being a poor person approached the Legal Aid Authority and the case was entrusted to applicant-appellant counsel as a legal aid counsel and in the process of entrustment, sometime was consumed and there was no intentional delay in filing the appeal.

Heard.

In view of the grounds stated in the application, the delay of 76 days in filing the appeal is condoned.

CRM stands disposed of.

CRM-A-621-MA-2015

The present appeal against the judgment of acquittal recorded by

Sub-Divisional Judicial Magistrate, Khanna. Learned counsel stated that

complaint was filed against the respondent under Section 506, IPC on the allegation that a civil litigation was pending between the parties qua the property of Dawat Sweets. The threats were advanced to the appellant to kill his family members. When the Local Commissioner visited the spot, respondents abused the appellant and threatened that in case the civil suit was not withdrawn, he will kill the appellant alongwith his family members. The matter was reported to SSP, Khanna on 24.09.2015 but no action was taken and as such, the complaint before the Court. The trial Court proceeded with the matter and recorded statements of complainant and his witnesses and after considering the entire evidence available on file, dismissed the complaint holding that even no date, month and year was given when the alleged threats were advanced by the accused persons. Local Commissioner was examined in whose presence the threats were advanced. Gurinder Singh, CW-3 who is son of the complainant simply took the plea that he was not present when the Local Commissioner visited the spot.

Apart from that, complainant was booked under Section 306 IPC and the Magistrate returned the finding that the present complaint appeared to be counter blast of civil litigation between the parties.

Learned Magistrate has duly appreciated the evidence available on file and practically it is a case of no evidence and as such, the complaint was rightly dismissed by learned Magistrate.

There is no ground for interference by way of present appeal and the same is dismissed.

(SHEKHER DHAWAN)
JUDGE

September 14, 2015
Dinesh Bansal