

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

CRM-A-721-MA-2015 (O&M)

Date of decision : 10.12.2015

Sudesh Saini

...Appellant

Versus

Harvinder Pal and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sushil Saini, Advocate
for the applicant-appellant.

JITENDRA CHAUHAN, J. (Oral)

CRM-13990-2015

For the reasons contained in the application, same is allowed and delay of 45 days in filing the appeal is condoned subject to all just exceptions.

Main Case

This leave to appeal is directed against the impugned judgment dated 20.11.2014 passed by the learned Judicial Magistrate Ist Class, Kharar whereby the accused-respondents were acquitted from the charges framed against them under Sections 427, 447, 506 and 34 of the Indian Penal Code (for short 'the IPC').

The learned counsel contends that the learned trial Court has erroneously passed the impugned judgment and acquitted the respondents, merely on the ground that the complainant did not mention about the incident dated 11.12.2008 in the subsequent FIR dated 19.01.2009

registered against the respondents. However, contents and allegations contained in FIR dated 19.01.2009 are altogether different to the incident dated 11.12.2008, therefore, there is no relevancy of this fact in the decision of the present case. He further states that due to the police inaction, delay of 75 days was occurred in filing the complaint, regarding the incident dated 11.12.2008.

Heard.

The statement of husband of the complainant is contrary to that of the complainant regarding the incident took place on 11.12.2008, wherein the respondents have trespassed the property in dispute and have demolished the walls and pillars of that building. In addition to this, the complainant unable to explain the inordinate delay in filing the instant complaint.

Keeping in view the above, the finding of acquittal recorded by the trial court cannot be said to be perverse or contrary to the material on record. In fact, there is no infirmity in the reasoning assigned by the trial Court for acquitting the respondent. This Court feels that the learned Judicial Magistrate Ist Class, Kharar, has passed the impugned judgment dated 20.11.2014, after appreciating the entire facts and circumstances of the present case and no other view is possible.

Accordingly, the leave to appeal is declined.

Dismissed.

10.12.2015

ashok

ASHOK KUMAR
2015.12.24 16:42
I attest to the accuracy and
authenticity of this document

(JITENDRA CHAUHAN)
JUDGE