

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Crl. Misc. No.803-MA of 2014 (O & M)
Date of Decision: 10.02.2015

Balreet Kaur Applicant

Versus

Jasvir Singh and others Respondents

CORAM: HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MR. JUSTICE GURMIT RAM

Present: Mr.Jaspreet Singh Brar, Advocate
for the applicant.

S.S. Saron, J.

The criminal miscellaneous application has been filed by the complainant - applicant Balreet Kaur seeking leave to appeal against the order dated 10.02.2014 whereby Jasvir Singh alias Seera, Gurbakshish Singh alias Gaggi sons of Darshan Singh son of Bhola Singh and Pappu alias Amarjit Singh son of Ditta Singh son of Farida (respondents No.1 to 3) have been acquitted by the learned Additional Chief Judicial Magistrate, Moga. Along with the application seeking leave to appeal, CRM No.16226 of 2014 has been filed seeking condonation of 20 days delay in filing the application for leave to appeal.

We have heard learned counsel for the applicant and with his assistance perused the record of the learned trial Court that was requisitioned.

The complainant - applicant on 04.09.2001 filed a complaint against respondents No.1 to 3 and also one Soma Singh, who absconded during trial and was declared as

proclaimed offender (P.O. - for short) alleging the commission of offences punishable under Sections 326, 324, 323, 342, 354, 452, 427 and 34 of the Indian Penal Code ('IPC' - for short).

The complainant – applicant stated in her complaint that she was a resident of village Rehrawan, Police Station Dharamkot, Tehsil and District Moga. She did household work and also got agriculture work done. The complainant was present at her house on 14.06.2001 when the time would be about 2.30 p.m. Then Jasvir Singh alias Shera (respondent No.1), Gurbakshish Singh alias Gaggi (respondent No.2) sons of Darshan Singh, Pappu (respondent No.3) son of Ditta and Soma (P.O.) son of Surjit Singh residents of Rehrawan were chopping 'kikar' (*acacia*) trees. The branches of the trees that were being cut fell in her place and damaged the telephone wires and the down water pipes of her house. The complainant asked the accused (respondents) that they should work with due care. Pappu (respondent No.3) on this said that he would with a brick bat hit her on her face. The accused Jasvir Singh @ Seera (respondent No.1) said that this pimp be pulled and brought this side. Pappu (respondent No.3) then, it is alleged, entered her house and attacked her with a 'gandasi' that he was carrying. The 'gandasi' blow hit her on the back of her left thumb. The accused Gurbakshish Singh @ Gaggi (respondent No.2) and Soma (P.O.) entered her house and caught her arms and pulled her through the barbed wire fixed on the boundary of her house.

The complainant suffered internal injuries on her stomach and

she suffered scratches also. The accused had pulled and dragged her with ill-intentions. The barbed wire tore some of the clothes worn by her and some were torn by the accused. The complainant on this raised an alarm of 'mar ditta - mar ditta'. Her servant Raju son of Tota Singh, who was working in the nearby fields came running. Along with him Diwan Singh Sarpanch of village Rehrawan came at the spot. They rescued the complainant from the accused. In the meantime, all the accused persons along with their weapons fled away from the spot. Then Diwan Singh, Sarpanch by arranging a vehicle got the complainant admitted at the Civil Hospital, Dharamkot, where she was also medically examined.

The cause for the grudge was that the land which Darshan Singh and Bhola Singh were cultivating on transfer basis was purchased by the complainant side. The accused Jasvir Singh @ Seera (respondent No.1) earlier also in the year 1997 had entered the house of the complainant and caused injuries to her. In this regard FIR (i.e. FIR No.31 dated 05.03.1997 under Sections 452 and 323 IPC Police Station Dharamkot) was registered. The accused Jasvir Singh @ Seera (respondent No.1) was acquitted in the said case on 01.06.2001 (Ex.D4) and since then he was looking for an opportunity to fight against the complainant side. Due to this grouse, all the accused by conspiring together with a common intention entered the house of the complainant and caused injuries to her; besides, dragged her and with ill-intentions tore the clothes that she was wearing,

cut the telephone wire, damaged the TV antenna and the down water pipes. They caused damage of more than Rs.2000/- to her.

The complainant had got her above statement recorded with HC Malkiat Singh, Police Station, Dharamkot on 15.06.2001. FIR No.111 was registered against the accused (respondents and Soma) at Police Station, Dharamkot on the basis of the said statement. It was further alleged in the complaint that the police of the Police Station was already acting in collusion with the accused and a case for the offences under Sections 324, 323 and 34 IPC was registered.

The complainant was medically examined at Civil Hospital, Dharamkot. Her x-ray was got done at Primary Health Centre, Kot Isa Khan. According to the medical examination, injury No.1 was kept under observation and after x-ray report, it was declared 'grievous'. On the basis of medical examination, offences under Sections 326, 324, 323, 342, 354, 452, 427 and 34 IPC were made out.

During investigation, it was alleged in the complaint that the police of Police Station, Dharamkot instead of presenting the police report ('challan') against the accused had forwarded a cancellation report to the SSP, Moga. The complainant had got to know about the cancellation report on the date of filing the complaint i.e. on 04.09.2001 as the complainant had been going to the Police Station, Dharamkot for pursuing her case many a times. SHO of Police Station, Dharamkot on 04.09.2001 in the morning informed her that a cancellation report against the

accused had been prepared and had refused to proceed against the accused. The complaint was, therefore, being filed.

It was further stated that the incident had occurred at village Rehrawan, Police Station Dharamkot, Tehsil and District Moga. The Court of the Judicial Magistrate Ist Class, Zira before whom the complaint was filed, had the jurisdiction to hear the complaint. It was prayed that the accused be summoned and after taking legal action, stringent punishment be awarded. It was stated that the complainant would produce her evidence.

The complainant in her pre summoning evidence examined herself as CW-1 on 05.11.2001; besides, Diwan Singh (CW-2), AMHC Kulwinder Singh (CW-3) were examined on 19.04.2003 and Dr. Avtar Singh (CW-4) was examined on 08.03.2004. The complainant reiterated the facts as mentioned in her complaint. Her version was supported by Diwan Singh (CW-2). AMHC Kulwinder Singh (CW-3) and Dr. Avtar Singh (CW-4) were also examined.

The learned Chief Judicial Magistrate, Moga vide order dated 04.01.2005 held that the version of the complainant was duly supported by the witnesses i.e. Darshan Singh (CW-2), AMHC Kulwinder Singh (CW-3) and Dr. Avtar Singh (CW-4); besides, documentary evidence. There was no material on record to doubt the veracity of the complainant. Her evidence had remained un-rebutted. Sufficient grounds were found at the said stage to proceed against accused for the offences under Sections 326, 324, 323 and 452 IPC. The accused were accordingly

summoned for 25.04.2005. The accused with their counsel appeared before the learned Chief Judicial Magistrate, Moga on 10.08.2005. They filed an application for surrendering in Court and for the grant of regular bail. In compliance of the order dated 15.07.2005, bail bonds and surety bonds were furnished which were accepted and attested by the learned Chief Judicial Magistrate, Moga. A copy of application was supplied to the complainant and the case was adjourned to 12.08.2005 for consideration of the bail application.

The learned Chief Judicial Magistrate, Moga vide order dated 12.08.2005 rejected the bail application filed by the respondents. The case was adjourned for pre-charge evidence. In the meantime, the accused got bail and the case was fixed for pre-charge evidence.

The complainant examined Dr. Avtar Singh (CW-1) in her pre-charge evidence; besides, the complainant examined herself. The pre-charge evidence was closed by the complainant on 01.09.2008. Thereafter Amarjit Singh alias Pappu (respondent No.3) remained absent from Court from 06.02.2009 and he appeared in Court on 16.08.2010. It then came to the notice of the Court of the Judicial Magistrate Ist Class on 28.02.2011 that the complainant was not cross-examined in the pre-charge evidence. As such, in the interest of justice, it was said that an opportunity was to be given to the accused to cross-examine her before framing charges. The complainant was cross-examined and then her pre-charge evidence was closed.

Arguments on charge were heard and vide order dated 12.08.2011, the respondents and Soma (P.O.) were ordered to be charge-sheeted by the learned Additional Chief Judicial Magistrate, Moga for the offences under Sections 452, 323, 324 and 34 IPC. It was inter alia observed by the learned Magistrate that Dr. Avtar Singh (PW-1) in his cross-examination had deposed that injury No.1 could be the result of friendly hands and possibility of this injury being caused with friendly hands could not be ruled out. It was noticed that injuries No.2 to 5 on the person of the complainant were caused with a blunt weapon and were declared simple in nature. As such, it was held that no offence under Section 326 IPC was made out for framing charge. However, a prima facie case for the other offences i.e. under Sections 452, 323, 324 and 34 IPC was made out for framing charges against the accused.

The accused were accordingly charged on the allegations that on 14.06.2001 at about 2.30 pm within the area of village Rehrawan, Distt. Moga, they criminally trespassed into the dwelling house of the complainant with an intent to cause injuries to her and her family members and thereby committed an offence under Section 452 IPC. Secondly, on the same date, time and place accused Pappu alias Amarjit Singh (respondent No.3) in furtherance of common intention of all, voluntarily caused hurt on the person of the complainant with a 'gandasi' and thereby committed an offence punishable under Section 324 IPC whereas his co-accused (respondents No.1, 2 and Soma)

committed an offence punishable under Section 324 read with Section 34 IPC within the cognizance of the Court. Lastly on the same date, time and place accused Gurbakshish Singh (respondent No.2) and Soma (P.O.) in furtherance of common intention of all, voluntarily caused simple hurt on the person of the complainant Balreet Kaur and thereby committed an offence punishable under Section 323 IPC whereas their co-accused (i.e. respondents No.1, 3 and Soma) committed an offence punishable under Section 323 read with Section 34 IPC within the cognizance of the Court. The accused pleaded not guilty to the charge and claimed trial.

After framing of charges, the learned counsel for the complainant on 13.07.2012 stated before the learned Additional Chief Judicial Magistrate, Moga that a revision petition was pending in this Court. The learned Magistrate ordered for production of the complainant and for adducing her evidence on 27.07.2012. The file of the case was in fact requisitioned by the learned Sessions Judge, Moga. It was received back by the learned Additional Chief Judicial Magistrate, Moga on 17.08.2013 along with copy of the order dated 07.08.2013 of the learned Sessions Judge vide which a direction was issued to re-frame the charge against all the accused under Sections 452, 326, 324, 323 and 34 IPC.

In compliance to the order dated 07.08.2013 of the learned Sessions Judge, Moga, the learned Additional Chief Judicial Magistrate, Moga on 22.08.2013 framed fresh charges in

respect of the offences under Sections 452, 323, 324, 326 and 34 IPC. The fresh charges, apart from the charges already framed, added the charge for the offence under Section 326 IPC. It was alleged that the accused Pappu @ Amarjit Singh (respondent No.3) on 14.06.2001 at about 2.30 pm within the area of village Rehrwan, Distt. Moga voluntarily caused grievous hurt with the help of a 'gandasi' on the person of complainant Balreet Kaur and he thereby committed an offence punishable under Section 326 IPC whereas his co-accused (i.e. respondents No.1, 2 and Soma) committed an offence under Section 326 read with Section 34 IPC. The contents of the charges were read over and explained to the accused namely Jasvir Singh, Gurbakshish Singh, Amarjit Singh (respondents No.1 to 3) and Soma Singh (P.O.) in simple Punjabi. They heard and understood the contents of the charges. They pleaded not guilty and claimed trial.

The accused made statements to the effect that they wanted to further cross-examine CW-2 Balreet Kaur complainant after charge. The complainant CW-2 Balreet Kaur was further cross-examined on 05.09.2013 i.e. after framing charges, which included the charge for the offence under Section 326 IPC, besides, on the said date HC Jagdish Singh, Police Station Dharamkot was examined as CW-3. The evidence of the complainant was then closed.

The statements of the accused Jasvir Singh @ Sheera, Gurbakshish Singh, Pappu alias Amarjit Singh (respondents No.1 to 3) and Soma were recorded in terms of

Section 313 of the Code of Criminal Procedure ('Cr.P.C.' - for short) and the substance of the evidence appearing against them was put to them.

Jasvir Singh (respondent No.1) in his statement took the defence that their land was adjacent to the land of the complainant. Some of the land of the complainant had no passage and she wanted to get a passage. Diwan Singh was inimical towards them. His son Gurbir Singh was posted as Pharmacist at the Primary Health Centre, Kot Ise Khan. The complainant and Diwan Singh, it is stated, along with the help of Gurbir Singh got a false MLR from the concerned doctor and registered a false complaint against them. Their family got demarcation of the land and some land was occupied by Balreet Kaur (complainant). That land was got vacated by them from Balreet Kaur. Due to that enmity, the complainant along with the help of Diwan Singh and his son Gurbir Singh got a false MLR and got registered a false FIR against them. The FIR was inquired into by the higher officials and the same was found false by the police authorities. The present complaint, it was stated, was also false and they had not caused any injuries to Balreet Kaur.

To similar effect are the statements of Gurbakshish Singh (respondent No.2), Pappu alias Amarjit Singh (respondent No.3) and Soma Singh (P.O.). Thereafter Soma Singh accused absented himself from the trial of the case and he was declared a proclaimed offender. The remaining three accused (respondents No.1 to 3) in their defence examined Surjit Singh Kanungo as

DW-1 on 13.12.2013 while Major Singh and Jit Singh were given up. Besides, learned counsel appearing for the defence tendered in evidence, a certified copy of the judgment dated 29.07.2013 (Ex.D-2); copy of the decree-sheet (Ex.D-3); judgment dated 01.06.2001 (Ex.D-4); copy of statement of Gurbachan Singh Mark 'A'; copy of statement of Balwant Singh Mark 'B' and copy of order dated 01.08.2013 Mark 'C' and the respondents closed their evidence on 10.02.2014.

The learned Additional Chief Judicial Magistrate vide his impugned judgment and order dated 10.02.2014 has acquitted respondents No.1 to 3. The complainant – applicant aggrieved against the said order of acquittal has filed the present application seeking leave to appeal against the acquittal of the respondents.

Learned counsel appearing for the applicant has contended that the learned Additional Chief Judicial Magistrate while acquitting the respondents failed to appreciate that Dr. Avtar Singh (CW-1) had fully proved the injuries on the person of the applicant. It is stated that after x-ray examination a fracture was found on the left thumb of the applicant. However, the doctor in his cross-examination, accepted that this injury could be a result of friendly hand. Besides, he also stated that injuries No.2 to 5 could be the result of sharp edged bushes and branches of the tree. In fact the applicant herself appeared and deposed regarding the manner in which the injuries were inflicted on her.

It is also submitted that the learned Additional Chief Judicial

Magistrate acquitted the respondents on the ground that there was delay of twenty two hours in reporting the matter and that the version of the applicant was different in Court from that reported to the police. It is submitted that the learned Magistrate failed to appreciate that the incident had occurred in 2001 while the statement of Balreet Kaur, complainant was recorded on 05.09.2013 after almost twelve years. Therefore, it is difficult for an old person of seventy years to give and remember the sequence of events. Insofar as delay is concerned, it is submitted that the applicant had categorically stated that she was alone at home and reported the matter to the police only after her husband came back. Therefore, the acquittal of the respondents on these grounds, it is submitted, is highly improper.

We have given our thoughtful consideration to the contentions raised by learned counsel for the applicant and with his assistance perused the learned trial Court record that has been requisitioned.

The case of the complainant, as has already been noticed is that the accused were chopping 'kikar' trees near her house on 14.06.2001 at about 2.30 pm. The branches of the trees that were cut fell in the house of the complainant Balreet Kaur and damaged the telephone wires as also the down water drain pipes of her house. She asked them to be careful. At this, Pappu (respondent No.3) replied that he would hit her with a brick bat on her face. The accused Jasvir Singh @ Seera

(respondent No.1) then said that this pimp be pulled and brought this side. Pappu (respondent No.3) then entered the house of the complainant and attacked her with a 'gandasi' that he was carrying. The 'gandasi' blow hit the complainant on the back of her left thumb. The accused Gurbakshish Singh @ Gaggi (respondent No.2) and Soma (P.O.) entered the house of the complainant and caught her arms and pulled her through the barbed wire fixed on the boundary of her house. The complainant suffered internal injuries on her stomach and she got scratches also. The accused had pulled and dragged her with ill-intentions. The barbed wire tore some of the clothes worn by her and some were torn by them. The complainant on this raised an alarm of 'mar ditta - mar ditta'. Her servant Raju son of Tota Singh, who was working in the nearby fields came running. Along with him Diwan Singh Sarpanch of village Rehrawan came at the spot. They rescued the complainant from the accused (respondents and Soma). In the meantime, all the accused persons along with their weapons fled away from the spot. Then Diwan Singh, Sarpanch by arranging a vehicle got the complainant admitted at Civil Hospital, Dharamkot where she was also medically examined.

The contentions as raised by the learned counsel for the applicant are bereft of any merit. Dr. Avtar Singh CW-1 in his deposition proved the MLR dated 14.06.2001 Ex.CW-1/A with pictorial diagram Ex.CW-1/B as also x-ray report Ex.CW-1/C.

According to him, he found a fracture in the proximal phalanx of

left thumb of the applicant Balreet Kaur. In his cross-examination, he accepted that this injury could be the result of a friendly hand. Injuries No.2 to 5 which were all abrasions, he stated that the possibility could not be ruled out that these could be caused with sharp edged bushes and branches of trees. He also submitted that during investigation he gave his opinion to Inspector Tarsem Singh that this injury could be caused by friendly hand. He proved the application of SHO as Ex.D-1 and his opinion Ex.D-1/A in this regard.

The learned trial Court observed that though the witness Dr.Avtar Singh had conducted x-ray examination of the left hand of complainant but the x-ray films were not part of the file nor had they been proved on record.

HC Jagdish Singh (CW-3) submitted that FIR No.111 dated 15.06.2001 was cancelled i.e. the FIR in the present case registered at Police Station Dharamkot. The complainant applicant examined herself as CW-2. She reiterated her version as given in the complaint. The learned trial Court observed the substantial improvements in her statement made to the police and that made in the complaint. The FIR in the case was recorded on the basis of her statement Ex.C-2 with which she was confronted. There is no reference in the statement Ex.C-2 of alleged criminal trespass and tearing her clothes worn by her much less with the intention to outrage her modesty. She had failed to explain as to how these allegations were added. There was an unexplained delay of twenty two hours of reporting the

occurrence to the police. The learned counsel for the applicant has sought to explain that the applicant had waited for her husband for reporting the matter to the Police. It is, however, to be noticed that this has not been taken as a ground before the learned trial Court. Diwan Singh, Sarpanch who was examined as CW2 in the pre-summoning evidence had since died. In cross-examination of the complainant during pre-charge evidence stage, she stated that she was a supporter of Diwan Singh while the opposite party belonged to his opponent Darshan Singh and accused No.1 and 2 (i.e. Jasvir Singh @ Seera and Gurbakshish Singh @ Gaggi – respondents No.1 and 2) were his sons. She also admitted that one son of Diwan Singh namely Gurvir Singh was working as a Pharmacist in the Health Department. She did not deny if he was posted at Primary Health Centre, Kot Ise Khan or Civil Hospital, Dharamkot during the days of the alleged occurrence. The learned trial Court observed that the complainant in her further cross-examination after framing of charges tried to escape repercussions of her said admission when she expressed her ignorance if said Gurvir Singh was a Pharmacist.

It may also be noticed that the complainant in her deposition in Court stated that the clothes worn by her were torn, besides, her blood smeared clothes had been given to the doctor. However, Dr. Avtar Singh CW-1 does not say so. The complainant alleged that the doctor kept her clothes with him for four-five days. However, the clothes were not handed over to the police and these were not even produced in Court during trial.

The injuries that the complainant suffered do not inspire confidence. The 'gandasi' blow inflicted by Pappu alias Amardeep Singh (respondent No.3) on the left thumb of the complainant is admittedly on a non-vital part of the body. The injury on the left thumb that was noticed was a 5 cm x 0.5 cm bone deep injury starting from the dorsal aspect extending to palmer aspect through the outer side of thumb of left hand on its proximal phalanx. The remaining injuries No.2 to 5 were stated to be abrasions and these were caused due to dragging of the complainant through the barbed wire. The injuries No.2 to 5 are on the abdomen of the complainant and not on her back. In case she was dragged through the barbed wire, then there would have been some injuries on her back even. The injuries are on the abdomen of the complainant and this would indicate that she was dragged with her abdomen to the ground. In such eventuality in case she was dragged through the barbed wire there ought to have been scratches on her back even.

The complainant it was noticed by the learned trial Court in fact was not herself sure as to whether she was pulled through the wires or only one part of her body was scratched by the wires. It was observed that the injuries were simple in nature and being on non-vital parts of the body could be easily fabricated.

The x-ray films with regard to injury No.1 were not tendered in evidence. The injury No.1 was caused by sharp edged weapon and the remaining injuries were with blunt.

It may be noticed that the complainant except for examining herself has not led any substantial evidence to prove her case. Diwan Singh though examined in the pre summoning evidence could not be again examined due to his demise. There are glaring improvements in the statement Ex.C2 made by the complainant before the police and those made by her in Court with which she was confronted. The FIR in the case which was later cancelled was recorded on the basis of her statement Ex.C2. The said statement was got confronted with the statement made by the complainant in her examination-in-chief. It was not the case of the complainant that the police did not record her true and correct version. In the statement made before the police there is no reference to the criminal trespass being committed. Besides, there is no reference of her clothes being torn by the accused much less with the intention to outrage her modesty. The complainant failed to explain as to how new version introduced in the complaint.

There was delay of twenty two hours in reporting the matter to the police, which has not been explained by the prosecution. It is, however, well known that prompt lodging of a report with the police is not an unmistakable guarantee of its truthfulness and neither is delay always fatal. However, delay in not reporting a crime immediately to the police does give time to the complainant to deliberate and give an exaggerated version of the occurrence. This is what has precisely been done in the present case. Therefore, delay in lodging the report with the

police in the facts and circumstances goes to show that a truthful version of the actual occurrence has not been furnished by the complainant to the police.

The respondents in their defence examined DW-1 Kanungo Surjit Singh. He stated that on the application of Balreet Kaur, wife of Subeg Singh resident of Rehrwan, he had on 20.05.2003 gone to village Rehrwan for demarcation of land. He in the presence of both the parties had done demarcation of their land and he prepared his report. He had got the original report and attested copy of the same was Ex.D1. He was cross-examined also. According to the demarcation report Ex.D1, it is mentioned by Surjit Singh, Kanungo that he had gone village Rehrwan for the demarcation of land on the orders of the Tehsildar Moga, dated 16.4.2003 and Naib Tehsildar, Dharamkot dated 21.04.2003. The demarcation of the khasra numbers of the land as mentioned therein was done. Balreet Kaur, complainant on whose application the demarcation was conducted also signed the demarcations proceedings; besides, others had also signed it.

The learned counsel for the respondents tendered in evidence copy of the judgment dated 29.07.2013 (Ex.D2) and copy of the decree sheet (Ex.D3). The said judgment and decree relate to suit for compensation filed by Balreet Kaur, complainant against Paramjeet Singh son of Pritam Singh, resident of village Naseerwala, District Moga. She alleged that on 28.11.2005 a false and frivolous application for correction of khasra girdawari

regarding land measuring 23 kanals 06 marlas was filed. In the said application the defendant Paramjeet Singh, it is alleged, had levelled false allegations against her and thereby caused harassment and mental tension to her. The application was dismissed by the Naib Tehsildar, Dharamkot on 23.03.2006. The defendant was neither the owner nor was possessing the said land. The learned Civil Judge (Sr. Division), Moga in his order dated 29.07.2013 (Ex.D2) held that the plaintiff failed to prove that the contents of the application for demarcation were in any manner malicious or that it was filed without any reasonable or probable cause. It was concluded that the plaintiff had failed to prove that she was maliciously prosecuted by the defendant. Hence, she was not entitled to any compensation/damages as was prayed for. The suit of the plaintiff was accordingly dismissed.

A copy of the judgment dated 01.06.2001 passed by the learned Judicial Magistrate Ist Class, Zira was tendered in evidence as Ex.D4. In terms of the said judgment Ex.D4 Jasvir Singh @ Seera (respondent No.1 herein) was acquitted in an another case i.e. case FIR No.31 dated 05.03.1997 registered at Police Station Dharamkot for the offences under Sections 452 and 323 IPC on a complaint made by Balreet Kaur, complainant herein. It is to be noticed that Jasvir Singh @ Seera was acquitted on 01.06.2001 and the incident in the present case is stated to have occurred on 14.06.2001 i.e. after about fourteen days of his acquittal. The learned trial Court noticed that the

alleged occurrence which is subject matter of the present case had astonishingly taken place within a fortnight of the earlier acquittal. The alleged injuries, it was observed, claimed to be suffered by the complainant were not grievous and neither was it proved on record beyond doubt that these had been caused by the complainant. The blood smeared clothes of the complainant, it was observed, did not see the light of the day. The fate of the alleged weapon of offence was also not known.

In the circumstances, the learned Additional Chief Judicial Magistrate, Moga has recorded cogent and convincing reasons for acquitting the respondents and merely because another view may be possible would not be a ground to interfere with the well-reasoned judgment and order that has been passed.

In the circumstances, the findings and conclusions reached at by the learned trial Court are correct and do not warrant any interference of this Court.

Accordingly, the application seeking leave to appeal is declined.

Crl. Misc. No.16266 of 2014 which has been filed for condoning the delay of 20 days in filing the application for leave to appeal is only academic and the same is also accordingly dismissed.

(S. S. SARON)
JUDGE

(GURMIT RAM)
JUDGE

10.02.2015
A. Kaundal