

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

CRM-A-866-MA of 2014 (O&M)

Date of decision : 15.09.2015

Subhash Chand

...Petitioner

Versus

State of Punjab and others.

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Chaman Lal Pawar, Advocate for the appellant.

Mr. Mehardeep Singh, DAG, Punjab

JITENDRA CHAUHAN, J. (Oral)

CRM-17095 of 2014

Heard.

For the reasons contained in the application, same is allowed and delay of 423 days in filing the appeal is condoned.

CRM-A-866-MA of 2014

This appeal is directed against the impugned judgment dated 11.01.2013 passed by the learned Sub Divisional Judicial Magistrate, Balachaur (SBS Nagar) whereby the respondent Nos.2 to 9 were acquitted from the charges framed against them under Sections 323 and 506 read with 149 IPC in complaint No.165/1 of 2008.

The learned counsel for the appellant contends that on the excuse of compromise respondent Nos.2 to 9 entered into the house of appellant and gave fist blows to the appellant, which is duly corroborated from the testimonies of CW1, Chaman Lal and CW2, Hem Raj, who witnessed the occurrence of the incident. He submits that while passing the impugned judgment, the trial Court ignored this material fact.

On the other hand, the learned State counsel submits that the trial Court has rightly acquitted the respondent Nos.2 to 9 after considering the entire facts and circumstances of the case. He further contends that the respondent Nos.2 to 9 have been falsely implicated in the present complaint to pressurize them to enter into a compromise in a complaint where the appellant and his mother had been convicted.

I have heard the submissions of the learned counsel for the parties and have carefully gone through the record with their able assistance.

The trial Court has rightly acquitted the respondent Nos.2 to 9 as the appellant did not produce any record or evidence to prove the alleged incident and there are material contradictions in the statements of appellant and eye-witnesses. Even the appellant is unable to prove the injuries on his person allegedly suffered in the incident.

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 accused-respondent Nos.2 to 9, this Court feels that

the learned Sub Divisional Judicial Magistrate, Balachaur (SBS Nagar) has passed the impugned judgment dated 11.01.2013 after appreciating the entire facts and circumstances of the present case and no other view is possible.

Accordingly, the leave to appeal stands declined.

Dismissed.

15.09.2015

ashok

(JITENDRA CHAUHAN)
JUDGE