

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No.A-91-MA of 2015
Date of Decision : May 04,2015

Bansi Lal

.....Applicant

VERSUS

Ram Kumar and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. Sunil Saharan, Advocate

T.P.S. MANN, J.

The complainant has filed the present application under Section 378(4) Cr.P.C. for grant of special leave to appeal against the judgment dated 27.10.2014 passed by the Additional Chief Judicial Magistrate, Hisar whereby the respondents were acquitted of the charges under Sections 323, 325, 326 and 506 read with Section 34 of the Indian Penal Code.

Both the respondents, alongwith Inder Singh and Ramesh, were tried for the aforementioned offences on a criminal complaint instituted by the applicant wherein it was averred that on 15.11.2008 when the applicant went to Inder Singh and others to collect milk, they declined to do so by asking him to arrange it from somewhere else and when the applicant demanded the return of Rs.5,000/- borrowed by them from him, they flatly refused to do so. As the applicant was in dire need of money he again went to Inder Singh and others after 4/5 days for refund of money who threatened him openly. On 4.12.2008, the applicant brought the matter to the notice of the respectables who persuaded Inder Singh and others to sort out the matter. On

5.12.2008 at about 12.00 noon, the applicant, alongwith others, went to the Panchayat Ghar where all the accused came present. As soon as the respectables requested the accused to return the money, Inder Singh became annoyed and started abusing the applicant and the respectables. Inder Singh took out a screw driver from his pocket and with an intent to kill the applicant, gave a blow with the same, which hit the applicant on his left lip, as a result of which his tooth was broken. Balbir Singh raised a *lalkara* to teach a lesson to him. Both the respondents and Ramesh accused gave fists and slaps to the applicant. Ramesh also gave a blow with an iron rod on the forehead of the applicant. On receiving those injuries, the applicant fell down at the spot. Despite the same, all the accused gave leg blows in the stomach, back and on the hands of the applicant. Thereafter, the companions of the applicant tried to rescue him from the accused and gave fist blow to Inder Singh and others.

Having heard learned counsel for the applicant and on going through the impugned judgment as well as the trial Court record, which stands requisitioned, this Court finds that both the respondents were said to have given leg blows to the complainant/applicant. However, there is no medical evidence on the record which could corroborate the said fact. Even otherwise, when Inder Singh and Ramesh, co-accused of the respondents were carrying a screw driver and an iron pipe, respectively, which they had used in inflicting injuries upon the applicant, there was no occasion for the respondents to have given such like leg blows to the applicant. Insofar as the

role of giving a blow with a screw driver on the mouth of the applicant, as a result of which his tooth has broken, Inder Singh has been held guilty under Section 326 IPC whereas Ramesh has been convicted under Section 323 IPC for giving a rod pipe blow on the forehead of the applicant.

In view of the above, no case is made out for any interference in the impugned judgment to the extent of acquitting the respondents of the charges against them. The present application filed by the complainant for the grant of leave to appeal against the said judgment of acquittal is without any merit and, therefore, dismissed.

Special leave to appeal declined.

(T.P.S. MANN)
JUDGE

(MAHAVIR S. CHAUHAN)
JUDGE

May 04, 2015
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