

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR No.2733 of 2014 (O&M)****Date of Decision: September 07, 2015**

Ravinder Dhapola

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.S.S.Sangwan, Advocate
for the petitioner.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner against the judgment dated 03.10.2013 passed by learned JMIC, Panchkula, vide which the accused-respondent was acquitted of the charges framed against him and also challenging the order dated 02.06.2014 passed by learned Sessions Judge, Panchkula, vide which appeal filed by the petitioner against the acquittal of accused-respondents was dismissed.

I have heard learned counsel for the petitioner and have gone through the record.

The brief facts of the case are that on 23.11.2011, complainant Ravinder Dhapola moved an application before the police officials alleging that he is posted as General Manager in Abbott Healthcare Company. He constructed his house in Swastik Vihar and

one Gaurav was given the contract for renovation of the house. It is alleged that accused Gaurav started demanding excess money from him, so he stopped giving him further contracts. In the year 2010, Gaurav threatened him on telephone that he will harm their reputation. On 01.10.2011, Gaurav misbehaved with them regarding which complaints were moved before the police, however, with the intervention of the respectables, the dispute was resolved. It is further stated that on 21.10.2011, complainant's wife was coming back from Delhi to Panchkula, when the accused called her from a mobile phone bearing No.9872691887 and threatened to kill her and misbehaved with her.

Learned Judicial Magistrate Ist Class, Panchkula, on the basis of the evidence produced before it, acquitted the accused. Learned JMJC, Panchkula held that the accused has been charge-sheeted under Section 506 IPC and Section 66A of the Information Technology Act, 2000. The Court held on the basis of evidence that complainant was in arrears of renovation charges which were payable to the accused and the complainant never made payment of the same, even after a compromise was effected between them. The Court further held that in the present case there is motive for filing the case. The Court also held that complainant as well as his wife have deposed that accused misbehaved with them and extended threats to them, however, during the course of their evidence, they have not stated about the specific words spoken by the accused or the manner in which he misbehaved. The complainant and his wife have admitted

that accused used to call them for payment of his dues, which was never made by them. Learned JMIC, Panchkula further held that mobile phone which was allegedly used for threatening the complainant, is registered in the name of Hari Singh but Hari Singh was not arrayed either as an accused or as witness. Two mobile phones were recovered from the possession of the accused, however, only one was produced before the Court and no document was produced to establish the ownership of the said mobile. It is further held that the call details will not prove that who gave call on the telephone nor it will prove that accused gave threats or misbehaved with the complainant.

After perusing the record, I find that the findings given by learned Courts below are correct. Nothing has been pointed out as to how the findings given by Courts below are perverse. Nothing has been pointed as to which material evidence has been misread or which material evidence has not been considered by the Courts below.

In view of the above discussion, I find that the findings given by the Courts below are correct, as per evidence, law and do not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

September 07, 2015
Vgulati

(INDERJIT SINGH)
JUDGE