IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-2962-2014 (O & M)
Date of decision:28.09.2015

Mohinder Singh ...Petitioner(s)

Versus

State of Haryana and ors. ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ravinder Malik, Advocate,
for the petitioner(s).

Mr. Gaurav Dhir, DAG, Haryana.

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Rajan Gupta, J. (oral)

The present petition has been filed by the petitioner challenging judgment dated 06.07.2013 passed by Chief Judicial Magistrate, Rohtak and Judgment dated 16.07.2014 passed by Additional Sessions Judge, Rohtak, whereby the accused have been acquitted in a cross-case in FIR No.259 dated 10.12.2005 registered under Sections 148, 149, 427, 452 and 506 IPC at Police Station Sapla, District Rohtak.

A case was registered on the statement of complainant-Mohinder Singh that on December 09, 2005, at about 9.00 p.m., accused entered his house. There was a scuffle. One of the accused namely Attar Singh was under the influence of liquor. Accused locked the complainant in a room. They were armed with various weapons. Pursuant to FIR, investigation ensued. Charge was framed on May 30, 2007. However, prosecution failed to examine any witness for a period of six years. Resultantly, evidence was closed by order. This led to acquittal of the accused.

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Complainant preferred an appeal before Additional Sessions Judge, Rohtak. In the absence of evidence, appellate court came to the conclusion as the trial court.

According to learned counsel for the petitioner, court had ample power to examine witness in exercise of power under Section 311 Cr.P.C.

This argument does not cut ice. It is inconceivable that the trial court would embark upon an enquiry and look for evidence in favour of the complainant. No such machinery is available with the trial court. Judgment in case of *Mary Pappa Jabamani versus Ganesan and others, 2014 (1) RCR (Criminal) 367* cannot help the case of the petitioner.

Dismissed.

(RAJAN GUPTA)
JUDGE

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