

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRR No. 3617 of 2014 (O&M)

Date of decision : January 15, 2015

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Ami Chand

.....Petitioner

Versus

Dharam Singh and others

.....Respondents

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Ms. Divya Sharma, Advocate for the petitioner.

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1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

RITU BAHRI, J

Crl. Misc. No. 34400 of 2014

For the reasons mentioned in the application, prayer made in the application is allowed.

Delay of 27 days in filing the present petition is allowed.

CRR No. 3617 of 2014

Present petition has been filed against the order dated 3.7.2014 passed by the Additional Sessions Judge, Kurukshetra, whereby the appeal against the order dated 7.11.2011 passed by the Judicial Magistrate Ist Class, Kurukshetra was dismissed. The trial Court vide its order dated 7.11.2011 had dismissed the complaint

filed by the petitioner under Sections 323/506/447/392/397/148/149 /452/427 of the Indian Penal Code against the respondents.

The facts of the case are that complainant was owner in possession of a plot situated within the abadi deh of Village Dabkheri, Tehsil Thanesar, District Kurukshetra and he along with his family members was residing over there for the last 40 years. The Additional Deputy Commissioner, Kurukshetra supplied construction material to the complainant being a poor person and the complainant after demolishing old construction, constructed a room up to the level of roof in the said plot. Respondents No.1 to 4 tried to take forcible possession of the plot, whereupon the complainant moved a complaint to the police on 30.8.2013 in which compromise was effected on 5.9.2013. On 8.9.2013, at about 3:00 P.M, when the wife of the complainant was present in the said plot, all the accused persons came over there and started cutting the trees of the complainant. When the wife of the complainant objected, the accused party gave beatings to her with slaps and lathis and also threatened to kill her. The accused persons also took away household articles and ornaments with them. On the same day, when complainant came to his house from Chandigarh at about 11:00 P.M, he saw the whole incident and when he intervened, the accused persons gave beatings to him with lathis, dandas etc. Accused Dharam Singh also pointed gun towards the complainant and the remaining accused were carrying axe, gandasi etc. Thereafter, the complainant approached the police and other higher

authorities but no action was taken. Hence, the complaint was filed.

The trial Court held that no case was made out against any of the respondents-accused and discharged them. Appeal filed against the judgment of the trial Court was also dismissed. Twenty five persons had been arrayed as accused in the present case, but no specific act has been attributed to any of the accused. It is alleged that the complainant and his wife were attacked by 23 persons but no injury was received or attributed to any of them. Neither any doctor nor any medical record dated 8.9.2013 has been produced by the complainant in order to corroborate the allegations as alleged by him. The complainant had admitted that he had gone to Chandigarh when the accused had tried to cut the trees from the plot. The complainant in his deposition as CW-3 mentioned the incident that took place on 7.9.2003 and division of the plots by his grandfather in three shares and causing injuries by the accused persons to him. The complainant in his cross-examination deposed that complainant Ex.D1 does not mention any such incident dated 7.9.2003. He admitted that one civil suit was filed by Om Parkash against him and his wife regarding their illegal possession. The details of the articles allegedly looted by the accused persons have not been mentioned. There is no evidence which the Courts below have ignored or not appreciated which this Court in revision can look into and which can lead to the conviction of the accused. The Courts have rightly discharged the respondents as prima facie, no case was made out against them.

Present petition is dismissed.

January 15, 2015
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(RITU BAHRI)
JUDGE