

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No.3984 of 2014 (O&M)
Date of Decision:03.03.2015

Raj Kumar Bansal Petitioner

Versus

State of Punjab & ors. . . . Respondents

CORAM: HON'BLE MR. JUSTICE MAHESH GROVER

Present: Mr. Vishal Gupta, Advocate
for the petitioner.

Mahesh Grover, J. (Oral)

The petitioner impugns the order dated 11.08.2014 passed by Addl. Sessions Judge, Fast Track Court, Ludhiana whereby the respondents-accused have been acquitted of the charge framed against them under Sections 452, 427, 323 & 506 IPC registered vide FIR No.17 dated 17.01.2002 at Police Station Division No.7, Ludhiana.

Learned counsel for the petitioner contends that the trial court had sentenced the respondents in the following manner:

<i>Offence under Section</i>	<i>Sentence</i>	<i>In default of payment of fine</i>
U/s 452 of Indian Penal Code	All the accused persons shall undergo rigorous imprisonment for a period of one year and fine of Rs.500/- (five hundred only) shall be paid by each accused.	In default of payment of fine the accused persons shall further undergo simple imprisonment for a period of seven days.
U/s 427 of Indian Penal Code	All the accused persons shall undergo rigorous imprisonment for a period of six months	
U/s 506 of Indian Penal Code	All the accused persons shall undergo rigorous imprisonment for a period of six months	

The Appellate Court did not consider the evidence on record and awarded them acquittal.

Attention of this Court is invited to the judgment of the Judicial Magistrate, Ist Class, Ludhiana dated 12.10.2011 in support of the plea that said judgment was based on cogent evidence which the Appellate Court ignored.

I have perused the said judgment and I am of the view that except the statement of the complainant himself, no other material was produced by the petitioner to substantiate his case. In the FIR, he had given out that while he was in his shop Sonu @ Navneet, Ashu, Vinod Aggarwal and Manoj along with 2/3 unidentified persons came there along with their weapons to attack him. They beat him and his two employees Abdul Sitar and Lyaqat Ali. They also caused damage to the shop. They tried to get vacated the shop forcibly and threatened to kill him in case he did not do so. The crucial evidence would have been the testimony of two employees, who were present in shop but were not examined by the prosecution and the explanation given was that they left the job on account of threats given by the accused. Neither were the photographs of the damaged shop shown nor any independent witness examined considering the fact that occurrence took place in a shop, which would suggest commercial activities and presence of witnesses.

In view of the above, I am of the considered view that the Court of Addl. Sessions Judge, Ludhiana has not committed any error in awarding acquittal to the accused since petitioner has failed to establish his case beyond reasonable doubt.

Consequently, the revision petition stands dismissed.

03.03.2015
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(Mahesh Grover)
Judge