

**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

**CRR No. 638 of 2014 (O&M)  
Date of Decision: 10.12.2015**

Joginder Singh

..... Petitioner

Versus

Banta Singh and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH**

Present: Mr. Amandeep Singh Saini, Advocate  
for the petitioner.

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**JASWANT SINGH, J. (ORAL)**

The complainant/petitioner has filed the present revision under Section 397 of Criminal Procedure Code, directed against the judgment dated 17.01.2014, passed by the learned Additional Sessions Judge, Fazilka, whereby the lower Appellate Court has upheld the judgment of acquittal dated 21.01.2013, passed by the learned Judicial Magistrate First Class, Fazilka, acquitting the seven named accused under the charges 452/323/504/506/148/149 of the Indian Penal Code while dismissing the private complaint dated 01.09.2006 itself.

After hearing learned counsel for the petitioner at length, no case for interference in the case is made out.

It was alleged that on the day of occurrence on 16.08.2006 at about 7.00 p.m., when the complainant alongwith his wife Mathro Bai and children was present, then the named seven accused illegally, forcibly entered his house. The menfolk from the accused party were armed with weapons including a gun. The complainant is alleged to have received 14/15 injuries.

Learned trial Court while dismissing the complaint has noticed very serious discrepancies. It has been noticed that the

complainant has not been able to show as to which police station he had visited for lodging the complaint soon after the occurrence. He has further shown his inability at the time of his testimony that whether he went to police station after 15 or 20 days or a month of the day of occurrence. It has come in the evidence that regarding the occurrence, nothing was disclosed either to the Sarpanch, Namberdar or any respectable person of the village. It is not in dispute that there are houses of other people adjacent to the house of complainant and none of the members had come at the spot even after the occurrence on 16.08.2006. It is an admitted fact that the complainant had earlier faced a trial under Section 376 of the Indian Penal Code on the statement of one of the persons from the accused party wherein he was acquitted. The complainant has been himself contradicted by his witness Fauja Singh to a large extent on many aspects of facts. It is also come on record that in spite of 14/15 injuries suffered by the complainant at the hands of accused, he was not taken to any Civil Hospital.

Learned trial Court has noticed another circumstance that many people went to the complainant's house armed with *gun* and *dangs*, but the complainant did not receive a single injury worth being examined in a hospital. The allegation is that only the ladies gave slaps and fist blows to him while the men armed with weapons kept standing being silent spectators has been found to very strange.

Keeping in view the totality of the circumstances, both the Courts have recorded the concurrent findings. This Court finds no perversity in such findings for any interference.

In view of the above, the present revision petition stands dismissed.

**December 10, 2015**

*'dk kamra'*

**(JASWANT SINGH)  
JUDGE**