

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-A- 358 MA-2013 (O&M)

Date of decision: 05.05.2016

Karnail Singh

.....Applicant

versus

Gurmit Singh

.....Respondent

**CORAM: Hon'ble Mr.Justice Kuldip Singh**

Present: Mr.R.S.Mamli, Advocate for the applicant

- 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?*

**Kuldip Singh, J. (Oral)**

The applicant has challenged the judgment dated 14.3.2013, passed by the learned Chief Judicial Magistrate, Fatehabad, vide which, the complaint filed by the complainant under Sections 379 and 506 IPC was dismissed.

I have heard learned counsel for the applicant and have carefully gone through the file.

The complainant claims that a civil suit was decreed in his favour and against the accused, in which, the accused was directed to open the door closed by him. According to the complainant on the night intervening 16/17.6.2009, the accused secretly opened the door from his side and stole 80 quintals of chaff (*toori*) out of 100 quintals lying at the spot. The lower Court while dismissing the complaint has

found that the complainant could not prove that he possesses the 100 quintals of chaff. No photographs regarding the remaining 20 quintals chaff was produced. No site plan of place of occurrence was placed on file. Mukhtiar Singh Sarpanch, who had convened the Panchayat for compromise, was neither examined in preliminary evidence nor could be examined later on as he died later on. There is no explanation of whereabouts of the said 80 quintal chaff alleged to have been stolen by the accused

I am of the view that there is no illegality or perversity in the view taken by the lower Court. While opening the door even at night in the common wall, some disturbance is likely to occur, which is likely to awaken the complainant. 80 quintals of chaff is not of small quantity, which can be carried out and concealed very easily. There is nothing on file to show about whereabouts of alleged 80 quintals of chaff.

I am of the view that lower Court has acquitted the accused after recording the sound reasoning. There is no ground to interfere in the judgment of acquittal.

Hence, the application for grant of leave to appeal stands dismissed.

**05.05.2016**  
*gk*

**(Kuldip Singh)**  
**Judge**