

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

CRM-A-614-MA of 2013 (O&M)
Date of decision: January 05, 2016

Amrik Singh ...Petitioner

Versus

Rajinder Singh and another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vivek Salathia, Advocate for the applicant-petitioner.

Rajan Gupta, J. (oral)

Appellant Amrik Singh filed a complaint under section 3 (x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 323/506 IPC against the respondents. After recording the preliminary evidence, respondents were ordered to be summoned under section 3 (x) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 323/506 IPC and thereafter, the case was committed to the court of Sessions. After appreciating the complaint and the documents on record, the Judge, Special Court, Amritsar charge-sheeted the respondents for the offence punishable under section 3 (x) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 only. The appellant Amrik Singh appeared as PW-4 and also examined Rajinder Kumar as PW-1, Naresh Kumar as PW-2, Jagjit Singh Clerk, Record Room, Amritsar as PW-3 and Jatinder Singh Clerk as PW-5.

After appreciating the entire evidence, the trial court came to the conclusion that the complainant had failed to substantiate the charge levelled against the respondents. The respondents were, thus, acquitted by extending them benefit of doubt. Aggrieved by the same, the appellant has filed the instant appeal alongwith an application bearing CRM-A-614-MA-2013 under section 378 (4) Cr.P.C. for grant of special leave to appeal.

I have heard learned counsel for the applicant/appellant and given careful thought to the facts of the case.

After having re-scanned the entire evidence, this court is of the view that the finding of the trial court in acquitting the respondents of the charge framed against them, is not perverse on any count. It is not possible to take a different view on the basis of available evidence. It is evident that the appellant himself had stepped into the witness-box as PW-4 and examined Rajinder Kumar, Naresh Kumar, Jagjit Singh Clerk and Jatinder Singh Clerk as PW-1 to PW-3 and PW-5 respectively. The complainant failed to produce any other witness in support of the allegations levelled by him in the complaint. It appears, appellant Amrik Singh obtained a fabricated scheduled caste certificate as deposed by PW-5 Jatinder Singh Clerk. Even in Election Identity Card, there is no mention that complainant belongs to *Majbi* caste. The Naib Tehsildar has simply signed on the certificate but did not state that appellant belongs to *Majbi* caste. Moreover, Amrik Singh appellant has admitted in his cross-examination that he got the said certificate prepared after he came to know about the dispute between the accused. The caste of the petitioner

is suspicious. Moreover, there are several contradictions in the evidence of the complainant-applicant.

Learned counsel for the appellant has not been able to show how the evidence has been misappreciated by the court below. There can be no doubt that there is complete lack of independent corroboration in the story of the appellant.

It is well settled that the order of acquittal is to be disturbed only if the same is palpably wrong, manifestly erroneous or demonstrably unsustainable resulting in miscarriage of justice. The case in hand is not of that type. I, thus, see no ground to interfere with the decision appealed against and decline grant of special leave to appeal.

Consequently, CRM-A-614-MA of 2013 is hereby dismissed.

(RAJAN GUPTA)
JUDGE

January 05, 2016
'Rajpal'