

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

**Criminal Misc.No.A-1195-MA of 2016 (O&M)
Date of Decision : 17th November, 2016**

Parmod

..... Applicant

Versus

Rattan Singh and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Ravinder Malik, Advocate
for the applicant.

AJAY TEWARI, J. (Oral)

Applicant-complainant has preferred the instant application for grant of leave to file an appeal against the judgment of acquittal of respondent No.2 dated 29.02.2016 in case FIR No.333 dated 15.07.2015, registered at Police Station Gharaunda, Karnal, under Sections 324, 506 IPC and Section 3 (i)(x), 3(2)(v) of SC/ST (Prevention of Atrocities) Act, 1989.

As per the allegations, on 29.06.20115, respondent No.2 attacked the applicant by caste name and inflicted injuries upon him. The case of the applicant was corroborated by another eye witness. However, learned trial Court, having acquitted respondent No.2, applicant is before this Court.

Learned counsel for the applicant has argued that the learned trial Court has wrongly disbelieved the testimony of the applicant and the other evidence on the record. The learned trial Court noticed that there was a delay of 16 days in lodging the FIR and further that though, as per the

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applicant, the incident had taken place between 7:30 p.m. and 08 P.M., in the MLR which was conducted at 11:40 p.m., the doctor had categorically mentioned that the injuries were not more than 1½ hours old and according to the learned trial Court, this could have been a case of self inflicted injuries because the injuries are clean incised wound and no abrasion or contusion etc. are there on the record.

Learned counsel for the applicant has also argued that the delay in lodging the FIR has been explained by the fact that as per the applicant, there were various panchayats and the medical evidence could not override the ocular evidence.

Having considered all the facts, in my opinion, the impugned judgment passed by the learned trial Court cannot be said to be perverse and at the most it may be said that two views are possible. It is trite to say that in such a situation, the order of acquittal is not liable to be interfered with.

Accordingly, the instant application stands dismissed.

(AJAY TEWARI)
JUDGE

17th November, 2016

mamta

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No