

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

CRM-A-1487-MA-2014 (O&M)

Date of decision : 01.08.2016

Sardool Singh

...Appellant

Versus

Karamjit Singh and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Ashish Gupta, Advocate
for the applicant-appellant.

JITENDRA CHAUHAN, J. (Oral)

CRM No.29005-2014

Heard.

For the reasons contained in the application, same is allowed
and delay of 486 days in filing the present appeal is condoned.

Main Case

This special leave to appeal is directed against the impugned
judgment dated 15.03.2013, passed by learned Judicial Magistrate First
Class, Faridkot, whereby the accused-respondents were acquitted of the
charges framed against them under Sections 452, 382, 323, 427 and 148 of
the Indian Penal Code (for short 'the IPC') read with Section 149 IPC.

It is contended that the learned trial Court has erroneously passed the impugned judgment and acquitted the respondents despite the evidence on record that on 29.06.2006 the respondents forcibly entered the shop of the appellant. They also had caused the injury to him by delivering spade handle blows and had snatched his gold chain along with ₹10,000/-, which is established by the statement of the applicant-appellant and the evidence led by him.

I have heard the learned counsel and perused the entire record on file.

As per the case of the applicant-appellant, on 29.06.2006 while he was engaged in conversation with Ajaib Singh Pardhan, Pipal Singh and Amardeep Singh at his shop, the respondents forcibly entered the shop and gave spade blows to the him and snatched a gold chain as well as Rs.10,000/- from him. However, except his bald statement, he has not examined any of the said eye-witnesses to corroborate his version with regard to the alleged occurrence. He did not mention the name or role of the respondents-Navdeep Singh and Jagtar Singh in the alleged FIR nor he has given any satisfactory reply as to why he did not disclose their names therein. Further, it is admitted fact that the witness, namely Satvir Singh, son of the applicant-appellant, is a proclaimed offender and the applicant-appellant was convicted in a complaint case titled as **Karamjit Singh Vs. Sardool Singh**. He further admitted that he had filed the present complaint

after he was summoned in that complaint case. Therefore, the possibility of false implication of the respondents cannot be ruled out and the act of the applicant-appellant appeared to be an after-thought. Moreover, he failed to led any cogent and convincing evidence to prove his ownership and possession over the shop in question. The version of the applicant-appellant that he suffered spade handle blows stands belied by the statement of PW2- Dr. Satwinderjit Singh, wherein he deposed that all the injuries on the person of complainant were either bruises or abrasions and except injury No.6, all the injuries were on the non-vital parts of his body.

It is a settled law as has been held in *C. Antony Vs. K.G. Raghavan Nair*, 2002(4) RCR (Criminal) 750 that even if a second view on appreciation of evidence is possible, the Court will not interfere in the acquittal of the accused. In the cases of acquittal, there is double presumption in his favour; first the presumption of innocence, and secondly the accused having secured an acquittal, the Court will not interfere until it is shown conclusively that the inference of guilt is irresistible.

Keeping in view the above, the finding of acquittal recorded by the trial court cannot be said to be perverse or contrary to the material on record. In fact, there is no infirmity in the reasoning assigned by the trial Court for acquitting the respondents. This Court feels that learned Judicial Magistrate Ist Class, Faridkot has passed the impugned judgment dated 15.03.2013, after appreciating the entire facts and circumstances of the

present case and no other view is possible.

Accordingly, the special leave to appeal is declined.

Dismissed.

01.08.2016

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No