

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-A-1641 MA-2015(O&M)

Date of decision: 11.04.2016

Rajesh Kumar

.....Applicant

versus

Raju and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Vikram Singh Lakhlan, Advocate for
Mr.Shokeen Singh Verma, 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)

CRM No.32086 of 2015

It is stated in the application that due to objection raised by the Registry, there is delay of 23 days. The applicant was under the belief that the limitation for filing the application for grant of leave to appeal is 90 days. Therefore, delay of 86 days has occurred.

For the reasons mentioned in the application, it is allowed and 86 days delay in filing the application for grant of leave to appeal stands condoned.

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This order will dispose of the application filed under Section 378(4) Cr.P.C. for grant of leave to appeal.

The petitioner had filed a criminal complaint against 11

persons under Sections 148, 149, 323, 506, 427, 332, 353 IPC.

Adjournment has been requested stating that the arguing counsel is out of station. However, this is second date and adjournment on the said ground is refused.

I have considered the judgment of the lower Court and heard proxy counsel appearing for the applicant.

The judgment of the lower Court shows that the accused were summoned only under Sections 323, 427 and 506 IPC read with Section 34 IPC. Lower Court has referred to the contradictions in the statements of the witnesses and has come to the conclusion that the testimony of the complainant and the alleged eye witnesses is full of doubt and contradictions. Therefore, benefit of doubt was granted to the accused. The view taken by the lower Court cannot be illegal or perverse. The lower Court has taken one of the two possible views. Therefore, there is no ground to interfere in the judgment of acquittal.

Hence, leave to appeal is declined.

The application is accordingly dismissed.

11.04.2016

gk

(Kuldip Singh)
Judge