

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

**CRM-A No.1748-MA of 2014 (O&M)
Date of Decision: May 13, 2016**

Om Parkash

.... Petitioner

vs.

Bharat Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Vijay Singh Kajla, Advocate for the petitioner.

- 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-34995-2014

There is delay of 890 days in filing the present application for grant of leave to appeal.

It is stated that against the judgment of acquittal, the appeal was wrongly filed before the Sessions Court, which was not maintainable. Hence, the delay occurred.

In view of the aforesaid, delay of 890 days in filing the present application for grant of leave to appeal is condoned.

Application stands disposed of.

Main Case

This order will dispose of the application filed under Section 378(4) Cr.P.C. for grant of leave to appeal. It comes out that the complainant had filed a complaint against his brothers, namely, Bharat Singh, Satbir Singh, their wives, namely Premo Devi and

Roshani Devi and their sons, namely Sunder and Rajesh respectively and also against ASI Balbir Singh. It was claimed that there was a dispute between the brothers regarding the house. The accused were trying to take forcible possession over the house (Haveli), situated at village Mirijapur. On 07.06.2003, in the evening, Bharat Singh and Satbir, carrying *jellies*, Roshani Devi and Premo Devi armed with *lathies* and Sunder and Rajesh also armed with *lathies* entered in the *Dhani* of the complainant. Accused Bharat Singh and Satbir Singh gave *jellies* blows to the complainant, which hit on his head and left foot. Their wives gave *lathies* blows on the waist and arm of the complainant. As a result of which, the complainant fell down. When Rajo wife of the complainant tried to intervene, accused Sunder and Rajesh gave *lathies* blows on her waist and legs.

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

It comes out that the MLR of Rajo was not produced before the lower court to show that she had received injuries. Therefore, the bare statement regarding inflicting the injuries to her cannot be believed. Further, two injuries on head and left foot are alleged to be caused with *jellies*. However, the statement of Dr. Ramesh Kumar, Medical Officer, C.H.C., Sorkhi shows that there was only lacerated wound and raddish contusion. The doctor has stated that if *jelly* blow is given thurstwise, it will caused stabwound or penetrating wounds on the person of the injured. But no such wound was found there. Therefore, the injury being caused by *jelly* is doubtful. The third injury is raddish contusion on the right hand.

In this case, no X-ray report was produced. No MLR regarding the injuries as alleged to have been given to Rajo was produced. It also comes out that the other parties had also received injuries but this fact was not mentioned in the complaint by the complainant. Therefore, the learned Magistrate rightly disbelieved the version of the complainant. Thus, the judgment of the learned Magistrate cannot be called illegal or perverse.

Hence, there is no ground to grant leave to appeal.

Dismissed.

May 13, 2016
sarita

(KULDIP SINGH)
JUDGE