

CRM-A-1970-MA-2015

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

CRM-A-1970-MA-2015

Date of Decision: 02.12.2016

Vinod

... Applicant

Versus

Zile Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. V.D.Sharma, Advocate,
for the applicant.

INDERJIT SINGH, J.

Applicant, Vinod has filed this application under Section 378 (4) of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') seeking permission for leave to appeal against respondent, Zile Singh, Sombir, Joginder, Birjo, Indro, Shakuntla and Silochna, challenging the impugned judgment dated 03.10.2015 passed by learned Judicial Magistrate Ist Class, Charkhi Dadri, in criminal complaint No.72-1 dated 09.05.2012, titled as 'Vinod vs. Zile Singh and others', filed under Sections 379, 390, 391, 427, 447, 506, 148 and 149 of the Indian Penal Code, 1860 (for brevity, 'IPC') vide which the respondents-accused were acquitted.

It is mainly stated in the application that accompanying appeal is being filed which is likely to succeed on the grounds taken therein. It is further stated that the impugned judgment passed by learned Judicial

CRM-A-1970-MA-2015

Magistrate Ist Class, Charkhi Dadri, acquitting the respondents under Sections 379, 390, 391, 427, 447, 506, 148 and 149 IPC, suffers from illegality and irregularity and thus the same deserves to be set aside. It is, therefore, prayed that leave to appeal may be granted.

I have heard learned counsel for the applicant and gone through the record.

From the record, I find that the applicant filed a complaint against the above named respondents under Sections 379, 390, 391, 427, 447, 506, 148 and 149 IPC. It is mainly stated in the complaint that the applicant-complainant is owner in possession of land measuring 20 kanals 18 marla. His possession was even upheld upto this Court. It is further stated that on 15.04.2011, at about 8.00 A.M., all the respondents came in tractor and trolley. The tractor was being driven by respondent-Jagbir. All the respondents forcibly and illegally entered into the land of complainant with sickles in their hands and started harvesting his gram crop standing in his fields. At that time, he was sitting on the tubewell of Purshotam. Thereafter, he alongwith Purshotam came to his fields where all the respondents were harvesting his gram crop. The respondents threatened him to face the consequences, if he did not leave the spot immediately. It is also stated in the complaint that he approached the police, but no action was taken. Thereafter, the complainant filed CRM-M-37309-2011 before this Court which was dismissed as withdrawn with a direction to approach the appropriate authority.

Learned Judicial Magistrate Ist Class, Charkhi Dadri, after

CRM-A-1970-MA-2015

appreciating the evidence, acquitted the respondents-accused vide impugned judgment dated 03.10.2015.

I have perused the impugned judgment dated 03.10.2015 passed by learned Judicial Magistrate Ist Class, Charkhi Dadri. The same has been passed after appreciating the evidence in right perspective. At the time of arguments, nothing has been pointed out as to how the findings given by learned trial Court are perverse or against the evidence. Nothing has been pointed out as to which material evidence has been misread and which material evidence has not been considered by the learned Court below. Nothing has been pointed out as to what illegality has been committed by the court below while acquitting the accused.

Perusal of the findings shows that PW 3 Rajender Kumar, Record-keeper is a formal witnesses and PW 2 Purshotam, who was the only eye-witness, has not supported the complainant's version. There is only statement of complainant-Vinod, who has appeared into witness-box as PW 1. The trial Court came to the conclusion that the complainant has not proved his version beyond reasonable doubt. Otherwise also, this occurrence took place on 15.04.2011 whereas the complaint was filed on 09.05.2012 i.e. after a period of more than one year. There is nothing on record to show that any complaint was given to the police. Furthermore, if it is taken that the complainant filed petition before this Court, but as admitted the same was decided on 09.12.2011, even then the present complaint was filed after a delay of more than five months.

From the above discussion, I find that findings given by the trial Court are correct, as per evidence and law and, therefore, the same do

CRM-A-1970-MA-2015

not require any interference.

Therefore, finding no merit in the present application under
Section 378 (4) Cr.P.C., the same is dismissed.

02.12.2016
parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No