

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

CRM-A No.1926-MA-2014 (O&M)

Date of Decision: May 05, 2016

Sardar Singh

.... Applicant

vs.

Ravinder Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Amit Gupta, Advocate for
Mr. Vipin Mahajan, 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)

This order of mine shall dispose of application filed under Section 5 of the limitation Act as well as the application filed under Section 378 (4) Cr.P.C. for grant of leave to appeal against the judgment of acquittal dated 08.10.2013 passed by learned Chief Judicial Magistrate, Gurdaspur. The appeal filed against the said judgment was dismissed by the learned Addl. Sessions Judge (Adhoc), Fast Track Court, Gurdaspur.

Heard.

According to the complainant, who happens to be a retired Police Inspector, on 29.09.2004, at about 5.15 p.m., he was assaulted by the accused. On the signal of accused Ravinder Singh, who was in drunkard condition, armed with toki, the other accused Balwinder Kaur armed with brickbat and Vicky armed with dang and Dana armed with wooden log attacked him. Ravinder Singh threw the wooden log before the motorcycle of complainant. Dana raised

exhortation and Ravinder Singh gave toki blow on the head of the complainant to kill him but it fell on the motorcycle and damaged it. Then accused Ravinder Singh gave toki blow on the back of neck of the complainant. Accused Vicky gave a dang blow on the backbone of the complainant and he fell down by raising noise '*mar ditta, mar ditta*'. He further stated that Harwinder Singh came there and tried to save the complainant but he was also threatened with the injuries. Then Harwinder Singh went to Police Station Dhariwal and informed the police. Accused Balwinder Kaur gave a brickbat blow to the complainant. Balwinder Kaur caught the hair of the complainant. Ravinder Singh caught the beard and Vicky and Dana took the complainant to their house, where he was confined in a room and his signatures were obtained on blank paper to the effect that he had received the entire amount. His clothes were torn and ₹15,000/- were also snatched from him. After one hour, Harwinder Singh accompanied with the police, came there and rescued him. He was got medico legally examined. The accused were summoned by the lower court under Sections 120-B, 323, 342 and 427 IPC.

It comes out that before the lower court, no MLR was produced on file. Therefore, the injuries alleged by the complainant are not proved. Regarding the damage to the motorcycle, it comes out though the mechanical report was produced but no mechanic was examined to prove the said mechanical report. Photograph and negative of the motorcycle were brought on record but the complainant failed to tell the number of his motorcycle during cross-examination.

It also comes out that civil litigation was pending between the parties and the complainant had lost the same. The complainant further claimed that his statement was recorded by the police but no police officer/official was examined to prove the said statement.

It being so, practically, there is no evidence to prove the offences as alleged by the complainant. Thus, there is no illegality or perversity in the impugned judgment. Therefore, the application for condonation of delay of delay as well as the application for grant of leave to appeal stand dismissed.

May 05, 2016
sarita

(KULDIP SINGH)
JUDGE