

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-A-1929-MA-2014 (O&M)

Date of decision: January 29, 2016.

Tarlochan Singh

... **Appellant**

v.

Sukhdev Singh

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr. Bhoop Singh, Advocate for
Mr. Suveer Sheokand, Advocate for the appellant.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *Whether to be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral):

Impugned in the present appeal is the judgment dated 22.9.2014 passed by learned Judicial Magistrate First Class, Ludhiana vide which the complaint filed by the present petitioner under Sections 427, 506, 341, 294, 441 IPC was dismissed and the accused was acquitted of the charges framed against him. An application for leave to appeal has also been filed under Section 378 (4) Cr.P.C.

I have gone through the judgment of the lower court as well as the records of the lower court.

Allegations against the accused are that the parties have adjoining houses and a wall was to be constructed over the existing

common wall. It is alleged that the accused demolished the short wall and misappropriated the bricks and also threatened the petitioner.

Before the lower court, no receipt regarding purchase of bricks was produced nor any photographs showing the alleged mischief were produced. The statements of the complainant and his witness were considered and accordingly the learned Magistrate came to the conclusion that these are unreliable to hold the accused guilty. The lower court has taken one of the two possible views. There is no perversity or illegality in the same. Therefore, the application for leave to appeal is dismissed.

January 29, 2016.
kadyan

[Kuldip Singh]
Judge