

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-A-205- MA-2015 (O&M)

Date of decision: 11.04.2016

Narain Singh

.....Applicant

versus

Jorawar Singh and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Bhag Singh, 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.3446 of 2015

For the reasons mentioned in the application, it is allowed and 128 days delay in filing the application for grant of leave to appeal stands condoned.

CRM-A-205- MA-2015

This order will dispose of the application filed under Section 378(4) Cr.P.C. for grant of leave to appeal. The present applicant had filed a criminal complaint against ten persons stating that they had cut the trees from his land on 15.3.2004 forcibly and illegally.

After trial, the learned Additional Chief Judicial Magistrate, Ambala concluded that the complainant has failed to prove his

exclusive possession over the land mentioned in the complaint. He even failed to prove from which khasra number, the trees were cut. It is also concluded that the complainant was not present at the time when the trees were cut. Witnesses Mangat Ram and Tara Singh have expired and Jorawar, Phuman Singh and Baba Singh are not residing in the village. The learned Magistrate has also taken into consideration the compromise and delay. In this way, sufficient reasoning has been given in support of the judgment. The learned Magistrate has taken one of the two possible views supported by cogent reasoning. There is no ground to interfere in the said judgment.

Hence, the leave to appeal is declined.

The application is accordingly dismissed.

11.04.2016

gk

(Kuldip Singh)
Judge