

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-A-230 MA-2015(O&M)

Date of decision: 28.04.2016

Chhotu Ram

.....Applicant

versus

Ram Partap and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Jaswinder Singh Grewal, 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)

Impugned in the present application for grant of leave to appeal is judgment dated 8.12.2014, passed by the learned Additional Chief Judicial Magistrate, Bathinda, vide which, the complaint filed by the complainant under Sections 430, 427, 506 read with Section 34 of IPC was dismissed.

Brief allegations levelled by applicant are that he used to irrigate his land from water vent (Mogha) No.6774 as per his turn allotted under Section 68 of the Northern India Canal and Drainage Act, 1873. It is stated that on 7.12.2005, all the accused demolished the said minor canal. Ram Partap also fired from the gun.

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

Before the lower Court, the complainant led the oral evidence. He also examined some officials of the irrigation department to prove his turn of water. However, the water course is maintained by the irrigation department and if same is demolished, the complaint is to be recorded by the canal department and the department take further action in the matter. However, there is no mention on file to show that any complaint was ever made to the canal authority that the water course has been demolished or any prayer was made for reconstructing the same. The record of the canal department was the best evidence. There are no photographs on the file to prove the demolition of the water course. Therefore, the oral evidence of the complainant and his witness was rightly discarded by the lower Court. No ground to grant leave to appeal.

Consequently, the application for grant of leave to appeal stands dismissed.

28.04.2016
gk

(Kuldip Singh)
Judge