

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-A-706 MA-2015 (O&M)

Date of decision: 05.05.2016

Rattan Singh

.....Applicant

versus

Joginder Singh and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Kawaljyot 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.13527 of 2015

For the reasons mentioned in the application, it is allowed and 78 days delay in filing the application for grant of leave to appeal stands condoned.

CRM-A-706 MA-2015

The applicant has challenged the judgment dated 5.11.2014, passed by learned Judicial Magistrate 1st Class, Jalandhar, vide which, the complaint filed by the complainant under Sections 323, 342, 427, 452, 506, 148, 149 IPC was dismissed.

According to complainant, on 12.1.2009 at about 7.00 p.m. all the eight accused entered his house and damaged his house hold articles and window panes. Accused Joginder Singh and Deepa

caught hold of the complainant and remaining accused gave fist and kick blows. Before the lower Court, no medical evidence was led to show the injuries received by the complainant. Therefore, in the absence of medical record, it cannot be said that the complainant had received injuries, as claimed. Similarly, to prove damage to household articles, only ocular evidence was led, no other evidence in the shape of photographs etc. was proved on record to show that what damage was caused.

Therefore, the lower Court rightly held that the complainant has failed to prove allegations levelled against the accused. The judgment of the lower Court is based on sound reasoning and it cannot be called illegal or perverse.

Hence, the application for grant of leave to appeal is dismissed.

05.05.2016
gk

(Kuldip Singh)
Judge