

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-A-744-MA-2015 (O&M)

Date of decision: 15.02.2016

Satbir Singh

.....Applicant

versus

Manjeet and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Parmod Parmar , 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. of 14353 of 2015

For the reasons mentioned in the application, it is allowed and 26 days delay in filing the application for grant of leave to appeal stands condoned.

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The applicant is aggrieved of the judgment dated 19.1.2015, passed by the learned Sub Divisional Judicial Magistrate, Siwani, vide which, the complaint was dismissed and the accused were acquitted of the charges framed against them under Sections 323, 452, 506 read with Section 34 IPC

As per allegation of the complainant on 4.7.2010, the altercation had taken place in the wedding ceremony between the

accused and the complainant. Thereafter the complainant returned to his house. He alleged that between 6.00 – 6.30 PM, the accused entered the house armed with lathis and iron rods. Lok Ram and Jaimal caught hold of him and Beena Devi caught hold of his hair. Manjeet gave iron rod blow on his head, whereas Sunil gave a lathi blow on his back and Sube Singh gave a lathi blow on his feet. On the basis of the said allegations the accused were summoned to face trial for commission of offences punishable under Sections 323, 452, 506 read with Section 34 IPC. After the trial, they were acquitted.

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

From the perusal of the judgment of the lower Court, it comes out that three of the accused, namely, Sube Singh, Birender and Beena Devi also suffered injuries. Copies of their MLRs Ex.D2 to D4 were produced in the Court. In fact, it comes out that it is a cross-case, where both the parties suffered injuries. The lower Court has taken the view that different place of occurrence has been mentioned by both the parties but it is apparent that the occurrence took place at one place in which both the parties suffered injuries. It was held that it was not proved that which party was the aggressor.

After going through the judgment of the Court below, I am of the view that though for different reasoning, this Court agrees with the view taken by the trial Court. Complainant has not explained in his complaint as to how three accused, namely, Sube Singh, Birender and Beena Devi suffered injuries. Both the parties were admitted in the hospital around the same time. Once, the injuries on the person

of three of the accused are not explained, the version of the complainant that he was attacked by the accused in his house and only he suffered injuries cannot be accepted. There is not illegality or perversity in the impugned judgment.

Resultantly, the applicant for grant of leave to file the appeal stands dismissed.

15.02.2016
gk

(Kuldip Singh)
Judge