

CRM-A-793-MA-2014 (O&M)

207

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-A-793-MA-2014 (O&M)

Date of Decision: 06.05.2016

PURUSHOTAM DASS

... Applicant

VS.

BHEEM SINGH AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. N.S. Sekhawat, 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-15874-2014

The present application has been filed under Section 5 of Limitation Act for condonation of delay of 1180 days in filing the application for leave to appeal.

Learned counsel for the applicant contended that the appeal against the acquittal was wrongly filed before the Sessions Court where it remained pending from 04.01.2011 to 06.12.2013. In view of the Full Bench judgement of this Court, the appeal against acquittal is to be filed before this Court. Therefore, the same was withdrawn and filed before this Court resulting in delay of 1180 days.

For the reasons enumerated in the application, the same is allowed. Delay of 1180 days in filing the application for leave to appeal is hereby condoned subject to all just exceptions.

CRM-A-793-MA-2014 (O&M)**CRM-A-793-MA-2014**

This order shall dispose of the application filed under Section 378 (4) Cr. P.C. for leave to file the appeal by the applicant.

Heard.

According to the complainant, on 20.05.2004 at about 7.00 A.M. he was assaulted by Bheem Singh, Rakesh and Arjun. Accused Bheem Singh gave a lathi blow on the wrist of the left hand whereas Rakesh and Arjun gave blows and kicks on his chest. Further allegations are that the accused Satyavir Singh who is Head Constable in Police colluded with the accused Rakesh and obtained signatures of the complainant on blank papers and lodged a false DDR No. 8 dated 20.05.2004 wherein wrong version was recorded. Satyavir Singh was not summoned by the lower Court.

The learned counsel for the applicant have produced the statement of doctor before this Court, which shows that two injuries were found on the person of complainant when he was medico legally examined by the doctor. One was complaint of pain over the wrist. The X-ray report shows that there was hairline fracture on the wrist and second injury is complaint of pain plus recording of pulse rate at 96 per minute and blood pressure at 144/90 MM, air entry on both sides was equal and CVS S1 S2 normal.

CRM-A-793-MA-2014 (O&M)

I am of the view that injuries stated by the complainant are not corroborated by the medical evidence. If any injury is given on wrist of the left hand with *lathi* then it must leave some mark of injury which was not found by the doctor. Therefore, injury No. 1 is not corroborated by the statement of the complainant. Second injury which was merely a complaint of pain due to multiple blows and kicks on his chest was not corroborated with the report of the doctor as no external mark of the injury was recorded in the report. The pulse rate and blood pressure were also within the normal parameters.

Therefore, I am of the view that the version put forth by the complainant is not supported by the medical evidence.

It being so, there is no illegality or perversity in the findings recorded in the judgment of the lower court. Hence, the present application for leave to appeal stands dismissed.

[KULDIP SINGH]
JUDGE

May 06, 2016
Suresh Kumar