

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-A-844 MA- 2015(O&M)

Date of decision: 21.04.2016

Satbir

.....Applicant

versus

Kalia and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mrs.Savita Bhandari, 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.15645 of 2015

For the reasons mentioned in the application, it is allowed and 12 days delay in filing the application for grant of leave to appeal stands condoned.

CRM-A-844 MA- 2015(O&M)

Heard on application for leave to appeal.

The grievance of the applicant is that his complaint filed under Sections 323, 324, 148, 149, 452, 506 read with Section 34 IPC was dismissed by the lower Court after trial.

It comes out that as per the complainant, he was assaulted in his house by the accused. They were carrying axe, *dang* etc. The perusal of the lower Court judgment shows that a

cross-complaint titled as Baljeet v. Ajit etc. was also pending. In present complaint, the complainant and eye witnesses do not admit any injury being given to the accused party, whereas some injuries on the person of the accused were also there. Therefore, the lower Court held that genesis of occurrence has been suppressed from the Court. Lower Court has also taken the view that the place of occurrence is not established. Complainant has stated that the occurrence took place in his house, whereas PW2 stated that fight has taken place in the street. The lower Court also took the view that there is no independent witness from the village and all the persons from the particular group are alleged to have reached the spot. Lower Court also observed that in this case, all the members of the opposite group were sought to be implicated. In this case, as many as six persons were named as accused. Lower Court has further held that the medical evidence does not corroborate the version put forth by the complainant.

I am of the view that lower Court has given sufficient reasoning in support of the judgment. Therefore, the judgment of lower Court cannot be called illegal or perverse. It being so, there is no ground to interfere in the judgment of acquittal. Hence, leave to appeal is declined.

Application is accordingly dismissed.

21.04.2016
gk

(Kuldip Singh)
Judge