

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

(222)

CRM-A-1222-MA-2016 (O&M)

Decided on: September 19, 2017.

Paramjit Kaur

.... Appellant

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Kuldeep Singh Yadav, Advocate, for the appellant.

M.M.S. BEDI, J (ORAL)

CRM-21083-2016

Miscellaneous application is allowed.

For the reasons mentioned in the application, delay of 36 days in filing the application for special leave to appeal, in the interest of justice, is condoned.

CRM-A-1222-MA-2016

Appellant Paramjit Kaur is aggrieved by the dismissal of her complaint against the respondents resulting in acquittal of the accused-respondents No. 2 to 5.

Perusal of the judgment indicates that on account of litigation pending between the husband of the appellant-complainant and respondent Hardeep Kumar and others, the respondents had allegedly assaulted the complainant-appellant on 15.06.2009 and made an attempt to set her ablaze by pouring kerosene oil on her.

The trial Court has taken into consideration all the statements of the witnesses and the medical evidence appreciating the nature of the injuries and the contradictions in the medical and ocular version, benefit of

doubt was granted to respondents No. 2 to 4. This Court has minutely perused the evidence and arrived at a conclusion that the appellant has been shifting her stand. In this context, original DDR No.27, the allegations in the complaint and the statement made in the Court have been carefully considered by the trial Court.

Though the judgment is not a detailed judgment and is cryptic one but with the assistance of counsel for the appellant, we have gone through the entire oral as well as medical evidence and the findings of the Court below and do not find any ground to differ from the final conclusion arrived at by the Court below that the culpability of the respondents-accused has not been established beyond shadow of doubt.

The incident of pouring of kerosene oil by the private respondents and it being a case of no injury pursuant to any assault or burn injury, the intention behind cannot be presumed. Offence under Section 452 IPC is also not made out beyond shadow of doubt.

The motive attributed to the accused, appears to be the reason for launching of prosecution by the appellant-complainant.

No ground is made out for interference in the order of acquittal passed by the trial Court and to grant leave to appeal.

It is made clear that nothing mentioned in this order or the order passed by the trial Court, acquitting the respondents, would be deemed to be an expression of opinion on the merits of the civil litigation which is stated to be pending between the parties. Any observation made regarding conduct of the parties is made solely for the determination of the culpability of the private respondents in the private complaint filed by the appellant.

With abovesaid observation, the application for special leave to appeal is dismissed.

(M.M.S. BEDI)
JUDGE

September 19, 2017.
harsha

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No