

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

Crl. Misc. No.A-1508-MA of 2016 (O&M)

Date of Decision: February 16, 2017

Malok Singh

.....APPLICANT(s).

VERSUS

Gurpreet Singh and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr.Vipul Aggarwal, Advocate,
for the applicant.

SURINDER GUPTA, J.(Oral)

Heard.

The respondents who were summoned and charge-sheeted for offence punishable under Sections 452, 427, 380 IPC were ordered to be acquitted by the learned trial court vide judgment dated 17.10.2013. The applicant-complainant has set up a case that the respondents entered his house, demolished the *kotha* and took away the fixtures like doors, windows, girders, wooden planks and bricks etc.

Learned trial court after examining the evidence produced by the petitioner acquitted the respondents for the reason that the petitioner had neither been able to produce any cogent evidence in support of his contention nor he had examined any respectable of the locality in support

of his plea that the *kotha* was demolished by the respondents. Civil litigation in between the parties relating to boundary dispute is still pending. The applicant-complainant had himself appeared as CW3 in support of his contention but his plea was not corroborated by any other evidence on record.

During course of arguments, learned counsel for applicant could not point out any evidence or material on file which trial court has not taken into consideration while reaching conclusion that complainant has failed to prove the charges framed against respondent. Solitary and uncorroborated statement of appellant has rightly been ignored by trial court while acquitting the respondents. Appellant had alleged that private respondents demolished *kotha* in his land and took away the building material. Learned trial court while discarding his contentions relied on statement of complainant made in civil suit wherein he had stated that there was no construction on suit land.

On perusal of the judgment of the trial court, I find no reason to interfere with the same particularly keeping in view the fact that the applicant had not filed this appeal for a period of 971 days which shows that he was having no grouse against the judgment of the trial court. As I have examined the appeal on merits and find no merit in the same, the question of condonation of delay is relevant only for academic discussion and is of no help to appellant in this case, even if delay of 971 days in filing appeal is condoned.

In view of my above discussion, application seeking condoning 971 days delay is allowed and appeal, which has no merits, is dismissed.

February 16, 2017
Paritosh Kumar

(SURINDER GUPTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>