

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

(214)

CRM-A-2251-MA-2016

Decided on: November 13, 2017.

Bhushan Kumar @ Bhupender

.... Applicant

Versus

Madan Mohan and another

..... Respondents

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

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Vivek Khatri, Advocate, for the applicant.

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

Applicant-complainant is aggrieved by the acquittal of respondent No.1 for the charge of attempt to murder the complainant.

As per the allegations, the applicant-complainant was intercepted by respondent No.1 and three others who were named in the complaint. The other accused had caught hold the complainant from the back side and took out Rs. 1 lac from the complainant's pocket whereas respondent No.1 Madan Mohan had fired on the complainant from a distance of 2-3 steps as a result of which he suffered a bullet injury on the ankle of his left leg. The trial Court had acquitted the accused by giving benefit of doubt as story of bullet having hit the complainant on the non-vital part of the body i.e. foot, was found to be false as per the FSL report and the other evidence. The proceedings under Section 182 I.P.C. were also initiated against the applicant, as even the doctor, who had inspected the injury, has been convicted for the allegation of having fabricated false injuries.

It appears that the applicant-complainant has filed the present appeal with an objective to evade the prosecution under Section 182 I.P.C.

We have carefully gone through the allegations in the complaint, the medical evidence and the other evidence produced by the applicant-complainant to substantiate the allegation of firing by respondent No.2. We have also seen the documentary evidence which has been placed on record in the shape of Exhibits D-1 to D-13 indicative of the litigation between the parties and are of the opinion that on re-appreciation of evidence, it is not a case where the order of acquittal of respondent No.1 could be converted into an order of conviction. The benefit of doubt has rightly been granted to respondent No.2.

No ground is made out for granting leave to file the appeal.

Application for leave to appeal is dismissed.

Nothing mentioned in this order is meant to be read as evidence in any other proceeding inter se the parties and is merely an expression of opinion on the propriety of the order of acquittal qua respondent No.2.

(M.M.S. BEDI)
JUDGE

November 13, 2017.
harsha

(AUGUSTINE GEORGE MASIH)
JUDGE

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