

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

CRM-A No.363-MA OF 2016 (O&M)
DATE OF DECISION : 15th SEPTEMBER, 2017

Kailash Chand

.... Appellant

Versus

Devdutt and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. J. P. Sharma, Advocate for the appellant.

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A. B. CHAUDHARI, J. (ORAL)

This is appeal against order of acquittal dated 17.12.2015 passed by the learned JMIC, Mahendergarh.

Heard learned counsel for the appellant.

Learned counsel for the appellant vehemently argued the impugned judgment of the trial Court is faulty and the trial Court has not considered the evidence properly.

Having gone through the reasons given by the trial Court for acquitting the accuses, I find that there is no reason to take other view of the matter. The relevant findings are reproduced hereunder:

“xxx... xxx...Admittedly the alleged occurrence took place at around 8.00am on dated 31.8.2009, where all the accused conjointly firstly forcibly entered into the house of the complainant and later on inflicted injuries on the person of the complainant and his wife. Perusal of DDR

Ex.CW1/A on record reflect that police authorities were approached at 3:05 am on 9.9.2009 i.e. almost waiting for almost 18 hours after the alleged occurrence. Though this fact is not vital but rather the complaint which was filed after a lapse of 5 ½ months on 24.2.2010, is one fact which has dented the version of the complainant. It will be apt to mention that delay is not only unexplained but rather casts a serious doubt as to why complainant kept on waiting for this much time without taking any initiative. State case against complainant Kailash, his brother Gajraj (CW6), Anita (CW2), Kirosta (CW7) regarding the same occurrence itself speaks volume and strengthen the arguments as addressed by defence counsel that the complaint in hand is an after thought version and out burst. Both MLR's on record speaks of mere complaint of pain and single injury which has been opined as injury no.1 in MLR nowhere contains the probable duration of injury. Doctor has given this remarks that probable duration of injury cannot be given and these apparent defects are enough to sieve the true and correct facts. Anita, who allegedly was the most natural witness being injured has leveled very general, absurd and vague allegations in regard to

injury sustained by her. Rather she admitted that no physical injury marks was there on her person.
xxx... xxx...”

In that view of the matter, the present appeal is dismissed.

15th SEPTEMBER, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No