

CRM-A-1932-MA-2017

RANJIT SINGH V/S GURMEJ SINGH & ORS

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Present: Mr. K.P.S. Virk, Advocate
for the applicant.

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After hearing the counsel for the complainant-applicant and analyzing the judgment of acquittal of respondent No.2-Satnam Singh, we find that respondent No.2-Satnam Singh, who is alleged to have given blows with screw driver in the stomach of Amrik Singh, brother of applicant, could not be held guilty because of inconsistency of the medical evidence and the ocular version. The role attributed to respondent No.2-Satnam Singh has been found to be apparently debatable on appreciation of evidence, pursuant to which, respondent No.2-Satnam Singh has been acquitted. On re-appreciation of evidence, no ground is made out to interfere in the findings recorded by the trial Court regarding acquittal of respondent No.2-Satnam Singh. Leave to appeal qua acquittal of respondent No.2-Satnam Singh is, thus, declined.

So far as the role attributed to respondent No.1-Gurmej Singh is concerned, he had allegedly given spade blows on the head of said Amrik Singh. Against his conviction for the alleged lesser offences, appeal filed by Gurmej Singh is pending. The appeal of the complainant for enhancement of the sentence of Gurmej Singh for more serious charges is maintainable as per the proviso of Section 372 of the Code of Criminal Procedure.

Considering the appeal of the complainant-appellant under the said statutory provision, we deem it appropriate, in the interest of justice, to allow the instant application qua respondent No.1-Gurmej Singh and to admit the appeal to be heard alongwith the appeal filed by respondent No.1-Gurmej Singh against his conviction i.e. CRA-S-2313-SB-2017.

(M.M.S. BEDI)
JUDGE

(AUGUSTINE GEORGE MASIH)
JUDGE

5th December, 2017
Harish