

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

CRM-A-508-MA-2015

Date of Decision: 21.08.2017

Clarence Bansi Lal

.....PETITIONER

V/S

Joel V. Mal and others

.....RESPONDENTS

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

Present: Mr. Sanjay Jain, Advocate for the
applicant-appellant.

A.B. CHAUDHARI J. (ORAL)

Heard.

Learned counsel for the applicant submits that the applicant has come in the present appeal against acquittal. The trial court has recorded the following reasons in para-14 of its judgment, which is put hereunder:-

“The complainant in order to prove that the accused persons have pasted the posters containing defamatory language has examined himself as CW-1, but the perusal of complaint reveals that the complainant has not mentioned any fact in his complaint that he has seen the accused persons pasting the posters in the area of CMC, Ludhiana. He in his cross-examination also deposed that he has not mentioned about the fact of disturbing the poster by the accused in his complaint. The complainant in his complaint is alleging that he has received letters from various persons with regard to the pasting of the posters by the accused persons as a result of which his reputation was harmed but the complainant has not examined any such person who has sent the letter to the complainant. Moreover, complainant has himself deposed that Mr. Samuel Bhatti is alive and is residing in CMC hospital but the complainant has failed to explain the reason with regard to the non-examination of the said person when the said person is alive. The complainant has also alleged that the person from

various places has seen the accused persons pasting the posters but no such witness has been examined by the complainant to prove that it was the accused persons who have pasted the posters containing the defamatory language.”

The above finding recorded by the trial Court in order of acquittal is capable and, therefore, this Court is not inclined to take second view of the matter in the light of para 61 of the judgment of Apex Court in **Darshan Singh Vs. State of Punjab & another (2010) 2 SCC 333.**

(A.B. CHAUDHARI)
JUDGE

21.08.2017
Anjal

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No