

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

Crl. Misc. No. A-543-MA of 2015

Date of decision : 28.04.2017

Raghbir

....Applicant

versus

Mehnder and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. A.K. Bura, Advocate
for the applicant

RITU BAHRI, J.

The present appeal is against the judgment dated 30.01.2015 vide which the respondents were acquitted of the charges framed against them.

Heard.

The complainant/petitioner filed a complaint alleging therein that on 31.10.2008, Raj came to the house of Ajit Singh and at that time, wife of Ajit Singh was alone in the house and tried to outrage her modesty and torn her clothes. Darshana raised the noise and he fled away from the spot and this incidence was told by Darshana to her mother Keshar Devi being Sarpanch of their village, who called the accused in her house but he also misbehaved with her. On 02.11.2008, all the accused entered into the house of the complainant having iron rods and brick and started abusing Keshar Devi and caused injuries to Smt. Keshar Devi, Raghbir, Raj, Madan Lal, Deepak and Manoj. On hearing their noise, many villagers gathered there and all the accused thereafter, ran away from the spot.

After recording preliminary evidence, accused were ordered to be

dated 23.12.2011.

In pre-charge evidence, complainant himself examined as CW1 and examined Raj Kumar as CW2, Dr. Dinesh Garg as CW3 and Darshana as CW4 and Deepak Kumar as CW5. The complainant closed his pre-charge evidence vide his separately recorded statement.

After perusing pre-charge evidence and other record, they were served with charge punishable under Sections 323/354/452/506 IPC , vide charge sheet dated 20.12.2014. The accused pleaded not guilty and claimed trial.

Statements of the accused under Section 313 Cr.P.C were recorded in which the incriminating prosecution evidence was put to the accused, to which they defied and the accused pleaded for their innocence and preferred to lead defence evidence.

The Court below after going through the entire evidence led by the parties acquitted the accused on the grounds mentioned below:-

(1) The occurrence took place on 31.10.2008 and the complaint was filed on 13.07.2009, after a gap of more than eight months.

(2) Further the present complaint was held to be a counter blast to the criminal case titled as *State v. Madan Lal*. In this case, complainant-Raghubir was one of the accused and was held guilty and the incident took place on 02.11.2008 and case was registered against the present complainant along with others.

(3) No independent witness was examined by the complainant despite the fact that many villagers have gathered at the spot and no explanation has been given for non-examination of independent witness and non-examination of any independent witness.

(4) Further there is over writing in the time of examination as 9:20 P.M and “P” is over written as firstly it was mentioned as 9:20 A.M and this fact was admitted by Dr. Dinesh Garg, M.O.G.H Rohtak who conducted the medico-legally examination of the complainant.

In view of the findings given by the learned Court mentioned above, this Court feels that the judgment passed by the Court below has been passed by appreciating the evidence in the correct prospective and does not require any interference by this Court.

The appeal stands dismissed.

28.04.2017
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No