

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

Crl. Misc. No. A-82-MA of 2014

Date of decision : 16.01.2017

Santosh Devi

....Applicant

versus

Lehna and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.K. Chaudhary, Advocate
for the applicant

RITU BAHRI, J.

CRM. No. 2260 of 2014

For the reasons mentioned in the application, delay of 42 days in filing of the present appeal is condoned.

The application stands disposed of.

CRM No. A-82-MA of 2014

The present appeal is against the judgment dated 24.09.2013 vide which the complaint filed by the appellant was dismissed and the private respondents were acquitted of the charges framed against them.

Heard.

The complainant filed a complaint alleging therein that on 21.10.2003 when she was going to her fields and reached near the house of Lehna, she asked Lehna about money of crop of barley which he had sold to the accused. He told her that she could take the amount at the time of return. When the complainant returned from fields and asked for money, accused Rajinder was sitting there and outrage the modesty of the complainant and caught hold her from her neck. Lehna gave a stick blow in the hand of the

complainant/appellant. Wife of Lehna Suman came from the house and snatched the ear rings of the complainant, which caused injuries to the complainant in her ears. She also snatched gold chain and nose pin of the complainant. Thereafter, all the accused started giving beatings to the complainant/appellant with fist and slap blows on her chest. On raising alarm, Randhir came there and intimidated the complainant that she will be killed in near future.

The Court below after going through the entire evidence led by the parties came to a conclusion that from the testimony of D.W1 and D.W.2 it appears that the complainant is habitual of filing false complaints against the people only with the intention to grab money from them. D.W.1 is brother in law of the complainant and thus, no question can be raised upon his credibility.

Further the complainant has not led sufficient and cogent evidence to prove the contents of the complaint. The only eye witness Roshan did not appear in the witness box in pre-charge evidence. Further there is evidence on record to prove that the complainant previously had also filed several complaints against various persons in which Murti was a witness, who is sister-in-law of the complainant. The complainant has not led any evidence to prove the motive of the accused to cause injuries to her. She alleged that the the complainant had to give her money on account of barley crop sold by her. No evidence was led by the complainant to prove the certified copy of judgment dated 19.08.2005 passed in complaint No. 42 of 2005 filed by complainant Santosh against Roshan and others in which the complainant has mentioned that he has given her agricultural land to Roshan for cultivation for the last six years. The complainant herself admitted that Roshan was in possion of her land from the year 1999 to 2005 thus story of selling of barley

crop by the complainant to the accused in the year 2003 is nothing but a bundle of lies.

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.

16.01.2017
G Arora

(RITU BAHRI)
JUDGE