

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

214

**CRR-2239 of 2016**

**Date of Decision: 21.09.2017.**

**Sailorgreen**

**...Petitioner.**

**Versus**

**Deepak and others**

**...Respondents.**

**CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN**

Present: Mr. Bhag Singh, Advocate the petitioner.

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**SHEKHER DHAWAN, J.**

Present petition is directed against judgment dated 18.02.2016 passed by learned Additional Sessions Judge, Ambala, whereby the appeal, filed by the petitioner, against the judgment of acquittal dated 18.12.2014, recorded by learned Chief Judicial Magistrate, Ambala, was dismissed.

Learned counsel for the petitioner contended that the petitioner had lodged an FIR against accused persons on the allegations that about a year back, Mohinder Singh and his family members had stolen the tap of water connection installed in the *Bara* near the house of the petitioner-complainant and thereafter, theft case was registered against them. Wife of the petitioner had gone to the Police Station and informed the police. At about 5:30 p.m., accused persons attacked the petitioner and caused injuries to him and his wife. Alarm raised by them, attracted Ranjor Singh and Sher Singh.

Learned counsel for the petitioner also contended that despite there being sufficient evidence available on the file, learned trial Court

acquitted the accused persons and learned Additional Sessions Judge dismissed the petitioner's appeal, even without hearing both the counsel. As such, the judgments of both the Courts below are liable to be set aside.

Having considered the submissions made by learned counsel for the petitioner and on perusing the record available on the file, this Court is of the considered view that both the Courts below have scanned the entire prosecution evidence. Learned trial Judge has rightly observed that the main dispute was regarding a plot/Bara, which was being claimed to be owned by both the parties. The present petitioner could not produce any documentary evidence to establish his ownership or possession over that plot/Bara. PW1 Champa Bakshi, who is the wife of the petitioner/complainant, is a material witness and in her cross-examination, she admitted that she was not having knowledge about the incident. The trial Court also considered the fact that even the statement of complainant-Sailogreen (petitioner herein), who appeared as PW3, was not reliable as his initial version was that Sher Singh and Ranjor Singh came to the spot after alarm having been raised but when both these persons appeared before the Court below as PW7 (Sher Singh) and PW8 (Ranjor Singh), they did not support the prosecution case. Even the medical evidence was discarded by the trial Court, on the ground that the Medical Officer during his examination had admitted that possibility could not be ruled out that injuries on the persons of PW3-Sailogreen and PW1-Champa Devi might be sustained by falling on hard surface or by falling from moving vehicle. Thus, the Court of Chief Judicial Magistrate rightly acquitted the accused persons. The Appellate Court applied its mind in perspective manner and did not find any ground to interfere in the judgment of the trial Court. As such, at this stage, there is no ground for

acceptance of the present revision petition as the same is absolutely without any merit.

In view of the above, there being no illegality or perversity in the judgments of both the Courts below calling for any intervention by this Court, the present revision petition stands dismissed.

**(SHEKHER DHAWAN)**  
**JUDGE**

**21.09.2017**  
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|---------------------------|---|--------|
| Whether Speaking/reasoned | : | Yes/No |
| Whether Reportable        | : | Yes/No |