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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.L.P. 80/2017, Crl. MA 2192-93/2017

STATE (GOVT OF NCT OF DELHI)

..... Petitioner

Through

versus

GURMUKH SINGH & ANR.

..... Respondents

Through

Ms. Neelam Sharma, APP for the
State with ASI Hawa Singh, PS Nihal
Vihar.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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07.02.2017

Crl. MA 2192 /2017 (Delay)

For the reasons mention in the application, delay of 75 days in filing the appeal is condoned.

Application is disposed of.

Crl. MA 2193/2017 (Exemption)

Allowed, subject to all just exceptions.

Application is disposed of.

CRL.L.P. 80/2017

By way of present petition, petitioner seeks leave to appeal against the judgment dated 25th October, 2016; whereby respondents have been acquitted of the offences u/s 308/326/341/34 IPC.

As per the prosecution, on 26.08.2016 at about 10:00 PM complainant Naresh Kumar (PW1) along with his cousin Prem Shankar (PW2), was going to Veer Bazar, Chander Vihar to meet his cousin Akhilesh at his shop.

On the way respondents intercepted them and asked them to advise Akhilesh to shift his shop and when they refused to do so, the respondents beat them and caused injury on the person of Prem Shankar by a sharp edged object.

Upon scrutiny of evidence on record, Trial court has noted that while deposing in the court, the complainant and the injured Prem Shankar (i.e. PW-1 & PW-2 respectively) had changed their version, as contained in the FIR and the statements made u/s 161 Cr.P.C. Their deposition was in variance with the prosecution story set up in the FIR. While deposing in the court PW-1 & PW-2 have deposed that when they reached Veer Bazar they found the respondents quarrelling with Akhilesh at his shop and when they intervened, respondents beat them up and also caused injury to Prem Shankar by a knife.

However, in the FIR it was stated that while they were going to meet Akhilesh respondents stopped them on the way. It is clear that even the place of incident was changed while deposing in the court.

Certain other discrepancies have also been pointed out. In the FIR it is stated that Gurmukh Singh @ Goldy and Dilbagh Singh had intercepted them. However, interestingly Dilbagh Singh is not the accused and in fact, Ram Lochan Singh along with Gurmukh Singh @ Goldy is the accused.

I do not find any perversity in the impugned judgment. The view taken by the trial court is a possible view in the material brought on record.

Petition is dismissed.

A.K. PATHAK, J

FEBRUARY 07, 2017/sm