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

+ CRL.L.P. 584/2016

SATISH PANDEY Petitioner

Through: Mr.Hemant Sharma, Adv.

versus

SUBHASH CHAND Respondent

Through: Mr.Aditya Jain, Adv.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **17.07.2017**

On 19.10.2006 at platform No.1 of New Delhi Railway Station at about 8.45 pm, the respondent is said to have slapped the petitioner twice.

A case was lodged by the petitioner alleging that while he was standing at platform No.1, he was, without any rhyme or reason slapped twice and was abused.

The two witnesses on behalf of the prosecution, one being the complainant/petitioner himself supported the prosecution version at the trial. However, the complainant/petitioner admitted that he did not have the reservation ticket for undertaking journey on 19.10.2006. The other witness claims to have seen the occurrence of slapping near the ticket window.

There is apparently a contradiction between the witnesses regarding the place where the occurrence is said to have taken place. Complainant/petitioner alleges that the occurrence took place at platform

No.1 whereas CW-2 states that it was near the ticket window that the petitioner was slapped.

The statement of the respondent under Section 313 Cr.P.C reveals that the petitioner asked the respondent to buy a ticket for him as there was great rush in front of the ticket window. When this was refused by the respondent, the petitioner asked for such favour from a lady standing in the queue, who also refused. The petitioner had then, in exasperation called the lady an idiot. The lady thereafter slapped him. To prevent any further retaliation, the respondent caught hold of the petitioner. The respondent thereafter was threatened of being implicated in a false case because the petitioner happened to be a lawyer practicing in the Supreme Court of India.

The Trial Court, on analysis of evidence, found that the petitioner had to buy a ticket for journey when the occurrence took place. However, it was difficult to believe the presence of CW-2 at the place of occurrence for him to have witnessed the same.

The Trial Court has also taken note of the fact that the occurrence is of year 2006 and cognizance was taken after the period of limitation.

The Trial Court, therefore, acquitted the respondent of all charges.

This Court does not find any reason to interfere with the aforesaid judgment of acquittal.

Leave is declined.

The petition is dismissed.

ASHUTOSH KUMAR, J

JULY 17, 2017

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