

CRA-S-2347-SB of 2015

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

CRA-S-2347-SB of 2015
Date of Decision: 13.09.2018

Ved Parkash

....Appellant

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Amaninder Preet, Advocate,
for Ms. Niharika Gupta, Amicus Curiae, for the appellant.

RAMENDRA JAIN, J. (ORAL)

Through this appeal, appellant-complainant has laid challenge to judgment dated 09.04.2015 of the trial Court, acquitting respondent No.2 under Section 506 IPC and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short the 'Act') while convicting him under Section 323 IPC.

In nutshell, respondent No.2 was booked and tried for offence under Sections 323, 506 IPC and Sections 3/4 of the Act in case FIR No.187 dated 25.08.2012 pertaining to Police Station Sahlawas on complaint of the appellant-complainant. After holding trial, vide impugned judgment of conviction dated 09.04.2015 and order of sentence dated 10.04.2015, the trial Court held guilty and sentenced respondent No.2 only under Section 323 IPC to undergo rigorous imprisonment for one month and pay fine of ₹500/-; in default thereof to undergo rigorous imprisonment for seven days, while acquitting him under Section 506 IPC and Section 3(1)(x) of the Act.

Learned counsel for the appellant contends that the trial Court has
erred in acquitting respondent No.2 under Section 506 IPC and Section 3(1)

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(x) of the Act, ignoring the foolproof/concrete evidence led by the prosecution against him without any reasoning.

Having considered submissions made by learned counsel for the appellant, I find the instant appeal completely devoid of any merit for the reasons to follow.

Initially, appellant-complainant in his complaint Ex.PW1/A did not level any allegation against respondent No.2 that he had uttered castist remarks against him, but added the same lateron, which has rightly been disbelieved by the trial Court on the ground that same was an afterthought of the appellant-complainant to put undue pressure upon respondent No.2. Trial Court has rightly disbelieved uncorroborated bald statement of appellant-complainant inasmuch as alleged eye witnesses Sher Singh was not examined and PW Rajbir is related to the complainant, who has political rivalry with respondent No.2. That apart, Rajbir is not a truthful witness. He, while appearing as PW2 has improved version to his earlier narration about the occurrence.

I have gone through the impugned judgment and find no illegality or perversity in the same.

Dismissed.

September 13, 2018
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No