

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

**CRM A-1746-MA of 2016
Date of Decision : August 29, 2018**

FajruddinApplicant

Versus

Sahi Ram and another Respondents

**CORAM : HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present : Ms. Manjeet Kaur, Advocate for
Mr. Mohammad Arshad, Advocate
for the applicant.

T.P.S.MANN, J.

The complainant has filed the present application under Section 372 read with Section 378(4) of the Code of the Criminal Procedure Code against the judgment dated 22.3.2016 passed by the learned Sub-Divisional Judicial Magistrate Hathin, whereby, the respondents were acquitted of the charges under Sections 323, 186, 189, 392, 394, 506 read with Section 120-B IPC.

According to the prosecution, the complainant was posted as Head Master in Government Primary School, Reeber, P.S. Hathin. On 29.11.2011, he went to Punjab National Bank to withdraw amount for construction work in the school. He withdrew an amount of Rs.2,39,000/- from the bank. Both the respondents came inside the bank and after having a talk with Shri R.K.

Chauhan, Block Education Officer, snatched the amount of Rs.2,40,000/- from the complainant. The complainant tried to resist their act but they gave him kick and fists blows. The accused also snatched Rs.500/- and a globe from the complainant before running away from the spot. They also threatened the complainant that he would be killed if he reported the matter to the police.

Having heard learned counsel for the applicant and on going through the impugned judgment of acquittal, this Court finds that though the accused had given beatings to the complainant yet he did not get him medically examined. There is also nothing on the record to show that the applicant was also carrying an amount of Rs.500/- and a globe, which were taken by the accused from him. Further, the occurrence in question had taken place on 29.11.2011 but the complaint came to be filed on 23.4.2012. There was, thus, a delay of about five months in filing of the complaint. Though the complainant tried to explain the delay by deposing that he had reported the matter to the police but no action was taken upon the same but the same is not sufficient to explain the inordinate delay. Mark A to Mark C, which were photocopies of the applications addressed by the complainant to the Station House Officer, Sub-Divisional Magistrate and District Education Officer did not bear any stamp or its receipt by the concerned authority.

In the complaint, the complainant had stated that Mukhram and Bir Singh, who were the guest teachers had given a lift to the complainant on their motor-cycle but while deposing as CW4, he did not state so. On the other hand, the accused tendered Ex.D1 copy of resolution No.3 dated 1.12.2011, as per which, the applicant had withdrawn an amount of Rs.2,25,000/- and another amount of Rs.45,500/- on 31.5.2011, which were meant for the uniform of the children, who kept the aforesaid amount with him. As per Ex.D3, the applicant had kept an amount of Rs.54,323/- and another amount of Rs.45,500/- with him and in this regard, an inquiry was pending. At the relevant time, wife of respondent No.2 was President of SMC of the school and, therefore, the possibility of false implication of the respondents at the hands of the complainant cannot be ruled out.

In view of the above, no case is made out for any interference in the impugned judgment of acquittal. The application is without any merit and, therefore, dismissed. Leave to appeal is declined.

(T.P.S. MANN)
JUDGE

August 29, 2018
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No