

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

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**CRM-A-2410-MA-2018.
Date of Decision: 19.12.2018.**

Lali Devi

....Applicant.

Versus

State of Haryana and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Atul Pratap Dhankhar, Advocate, for
Mr. Bijender Dhankhar, Advocate, for the applicant.

Shekher Dhawan, J.

Present application under Section 378(4) of the Criminal Procedure Code is for grant of leave to appeal against the judgment dated 14.08.2018 passed by learned Judicial Magistrate Ist Class, Ellenabad, District Sirsa, on the ground that learned Magistrate has not considered the merits of the case while passing the impugned judgment.

Having considered the submissions made by learned counsel for the applicant-appellant and appraisal of record of this case, this Court is of the view that learned Magistrate has passed the impugned judgment while appreciating the evidence available before the Court at that time. There were material contradictions in the statement of complainant itself. As per the complainant, the occurrence had taken place inside her house and she was present in her house, but in the Rapat No.11 dated 10.09.2013, she had disclosed that at the time of alleged occurrence, she was sitting outside their house and at that time injuries were caused by the accused persons.

There are other contradictions as regard to taking any action against anyone at the initial stage. Thereafter, the present complaint was filed after unexplained delay of 25 days. Taking all these factors into consideration, learned Magistrate has rightly acquitted the accused vide judgment dated 14.08.2018 and the said judgment of acquittal does not call for any interference by this Court by way of present application seeking leave to appeal.

Resultantly, the leave to appeal is declined and CRM-A No.2410-MA of 2018 is dismissed.

(SHEKHER DHAWAN)
JUDGE

19.12.2018
jitender/som

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No