

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

CRM-A-229-MA of 2016
Date of Decision: 16.01.2018

CHIMAN LAL

....Applicant

Versus

STATE OF HARYANA AND ORS

....Respondents

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sushil Sheoran, Advocate
for the applicant.

MAHABIR SINGH SINDHU, J.(Oral)

The present application has been filed for seeking special leave to appeal under Section 378(4) Cr.P.C against the impugned judgment dated 08.12.2015, whereby the private respondents have been acquitted of the charges under Sections 307, 323, 452, 506, 34, 217 and 218 of the Indian Penal Code.

It is contended that in view of the injuries suffered by the applicant as well as Jai Bhagwan, learned trial Court has committed a grave error of law.

I have heard learned counsel for the applicant and perused the paper book.

Paragraph 10.2 of the impugned judgment clearly reveals that in the present case the complainant has filed the complaint after a period of approximately 11 months from the date of occurrence and he could not establish as to who was the aggressor in the present case. Even the private respondents No. 2,3 and 4 namely, Sunil, Pawan and Kamal also suffered injuries in the same occurrence regarding which an FIR No.184 dated 25.10.2010 was lodged against the present applicant/appellant and others

and they have been acquitted by learned Trial Court.

It has come on record that all three private respondents had also suffered injuries in the same very occurrence and thus it was for the complainant to explain as to who caused those injuries; but there is no explanation and therefore the case of the complainant becomes wholly doubtful. Consequently, the benefit of doubt can be extended to the private respondents and the same has rightly been done by learned Trial Court. Still further the allegation of the complainant that he was referred to PGIMS Rohtak on 24.10.2010, but he failed to produce any record before learned trial Court and therefore, on that count also the case became doubtful.

In view of the above factual position this Court does not think it appropriate to entertain the present application and thus the same deserves to be rejected and which is ordered accordingly. Consequently, the impugned judgment passed by learned trial Court is upheld and the application under Section 378(4) of the Cr.P.C. is rejected and the leave to appeal is declined.

[MAHABIR SINGH SINDHU]
JUDGE

January 16, 2018
rashmi

Whether speaking/reasoned	yes/no
Whether reportable?	yes/no