

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

227

CRM-A-1220-MA-2015 (O&M)
Date of Decision:- 03.04.2018

Jai Singh

... Appellant

Versus

Azad Singh and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI
HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. S.K.Panwar, Advocate, for the appellant.

M.M.S. BEDI, J.

1. This is an application for leave to appeal under Section 378(4) of the Code of Criminal Procedure, 1973 against the judgment of acquittal of respondents No.1 to 4 with an application for condonation of delay of 70 days in filing of the appeal.
2. The trial Court had framed charges against the private respondents for offence under Sections 323, 324 and 307 read with Section 34 of IPC in a private complaint at the instance of complainant, Jai Singh, alleging that the private respondents, co-sharers in land measuring 14 kanals 4 marlas, had made an attempt to encroach upon the land of the complainant on the date of occurrence i.e. 16.5.2007. All the injuries attributed to the respondents were found simple in nature. The trial Court has acquitted the private

respondents for the following reasons:

- i) The alleged occurrence of assault is alleged to have taken place on 16.5.2007 whereby complaint was filed on 11.9.2007 after 118 days.
- ii) No evidence has been produced by the complainant on the record to establish that he had approached the police after the occurrence in question.
- iii) The medical evidence is not sufficient enough to warrant conviction on the basis of corroboration with the ocular version given by the witnesses.

3. After hearing counsel for the appellant and going through the record, we do not find sufficient reasons to convert the order of acquittal into conviction and that the medical evidence produced on record in defence established that the respondents/accused had 3 persons injured on their side, as such the allegations towards the respondents were not established.
4. In view of the above said circumstances, no ground is made out for interference in the judgment of trial Court. Resultantly while the delay of 70 days in filing the appeal is condoned, leave to appeal against the judgment of acquittal is declined. The application is dismissed.

(M.M.S. BEDI)
JUDGE

(GURVINDER SINGH GILL)
JUDGE

April 03, 2018
mohan

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No