

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-A-415-MA-2016

Date of decision: 21.08.2018

Satnam Singh

..... Applicant

Versus

Joginder Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. RS Rangpuri, Advocate for the applicant.

RAMENDRA JAIN, J. (ORAL)

Through this application under Section 378(4) Cr.P.C., prayer has been made for grant of leave to file accompanying appeal against the judgment of acquittal dated 07.01.2016, passed by the trial Court in Complaint Case No. 330 dated 04.09.2010, of the applicant titled as “Satnam Singh Vs. Joginder Singh and others”, acquitting the respondents under Section 447 IPC.

In nutshell, the applicant-complainant had taken the Panchayat land on lease for the year 2009-10 and yielded crop sown by him, to his satisfaction for that period. However, his wheat stem was standing in the lease hold land, which was leased out to respondent No. 3-Angrej Singh, for the subsequent year, who according to the applicant on 04.05.2010, put the wheat stem of the applicant on fire.

Being aggrieved, the applicant filed aforesaid complaint against

the respondents under Sections 435, 447, 148, 149 and 506 IPC. The trial Court after holding trial, convicted the respondents under Section 435 IPC, but acquitted them under Section 447 read with Section 34 IPC vide impugned judgment dated 07.01.2016. Finally, the respondents were released on probation vide order of even date.

Learned counsel for the applicant *inter alia* contends that the trial Court has erred in acquitting the respondents under Section 447 read with Section 34 IPC, because, once it has convicted the respondents under Section 435 IPC, for setting on fire wheat stem of the complainant-applicant, in that eventuality, respondents were liable to be convicted under Section 447 read with Section 34 IPC, inasmuch, as burning the wheat stem of the applicant by them was not possible without trespassing fields under lease of the applicant.

Having given considerable thoughts to the submissions made by learned counsel for the applicant, this Court finds the instant application and accompanying appeal, completely devoid of any merit for the reasons to follow:

Undisputedly, the applicant was leased out Panchayat land for the year 2009-10. For the subsequent/next year 2010-11, the same was leased out to respondent No. 3-Angrej Singh. Admittedly, the applicant had already yielded his wheat crop and only wheat stem of his crop was left to be removed by him, which was, allegedly, set on fire by the respondents on 04.05.2010.

A judicial note of the fact is taken that lease of agricultural land is always from year to year or for one year w.e.f. 1st April of every year ending on 31st March of next year. The incident of fire took place on

04.05.2010. Therefore, it is evident or can safely be presumed that respondent No. 3 along with other respondents was in lawful possession of the land in question, being successful bidder/lessee for the next year w.e.f. 01.04.2010. Consequently, no question arises of trespassing the lease hold land by the respondents.

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

Dismissed.

August 21, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**