

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

CRM-A-1769-MA-2015(O&M)

Date of decision : 15.05.2018

Madan Lal

..... Applicant

versus

Prem Saharan and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Pankaj Mehta, Advocate for the applicant.

SURINDER GUPTA, J. (Oral)

Heard. The respondents have faced trial for offence punishable under Sections 148, 452, 341, 323, 506 read with Section 149 IPC. As per the complainant, all the accused entered his field, destroyed his crops and gave beatings to him, his wife and children and confined them in a room constructed therein.

In support of his case, the complainant himself appeared as PW1 and examined his mother Mathra Devi as PW2. The learned trial Court did not find the evidence produced by the complainant as credible and keeping in view the contradictions in the statements of witnesses, observed that the complainant has failed to prove the charges against the accused/respondents beyond any shadow of doubt.

Learned counsel for the applicant has argued that the trial Court has discarded the statement of mother of the complainant on the mere

ground that she is an interested witness and the entire version of the complainant regarding the occurrence has been discarded in view of the contradictions in the statements of the witnesses which were minor in nature.

The allegation of the complainant is that the accused have entered his field and caused them injury. No medical evidence regarding injury on the person of the complainant, his mother, wife or daughter has come on record. Complainant has alleged in the complaint and stated while appearing as PW1 that the injury was also caused to his wife and children. Mathra Devi, his mother has deposed that wife and children of complainant came to the spot after the occurrence. In view of this contradiction in statement of complainant and his mother, absence of any credible evidence or corroboration to the testimony of the witnesses examined by the complainant, learned trial Court has committed no error of law while observing that the complainant/applicant has failed to prove the charges framed against the respondents beyond any shadow of doubt. On perusal of the judgement of learned trial Court, I find no reason to interfere with the same.

No reason is made out to allow the application under Section 387(4) Cr.PC. and to grant leave to appeal, which has no merit and the same is dismissed.

(SURINDER GUPTA)
JUDGE

15.05.2018
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No