

CRM-A-2708 of 2017

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

CRM-A-2708-MA of 2017
Date of decision: 16.10.2018

Sandeep

.....Applicant

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Ramender Chauhan, Advocate, for the applicant.

RAMENDRA JAIN, J. (ORAL)

Through this application under Section 378(3) Cr.P.C. prayer has been made for grant of special leave to file appeal against judgment dated 25.07.2017 of the learned Additional Sessions Judge, Bhiwani, acquitting respondent No.2 of the charge in case FIR No.123 dated 03.05.2016 registered under Sections 323/506/34 IPC and Section 3 of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act (in short the 'Act') at Police Station Tosham, whereas co-accused Surender was held guilty and convicted and sentenced to undergo rigorous imprisonment for maximum one year and pay fine of Rs.4000/- under Section 3 of the Act; in default thereof to undergo rigorous imprisonment for one month, to undergo rigorous imprisonment for six months and pay fine of Rs.1000/- under Section 506 IPC; in default thereof to undergo rigorous imprisonment for one month vide order of sentence of even date..

CRM-A-2708 of 2017

and tried in the aforesaid FIR on the allegations that in the night of 02.05.2016, one Surrender along with three boys came to the hotel of the applicant-complainant and threatened him to close the hotel. When the applicant did not close his hotel, Surrender gave *barchhi* blow on right side of his head and another *barchhi* blow on his back. His hue and cry attracted Karan Singh and Sikander to the spot, who shifted the applicant to the hospital. After holding trial, trial Court acquitted respondent No.2 namely Sushil and convicted Surrender in the manner narrated above vide impugned judgment.

Heard.

Applicant, while appearing as PW1, did not depose even a single word about the complicity of respondent No.2 in the commission of crime along with his co-accused Surrender. Even he did not identify respondent No.2 in the Court. Trial Court has reproduced the statement of PW1 in the impugned judgment, perusal of which shows that the applicant did not depose anything against respondent No.2. Rest of the witnesses are official and are not material witnesses.

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

In view of discussion above, prayer for grant of leave to appeal is declined.

(Ramendra Jain)
Judge

October 16, 2018
R.S.

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No