

215**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-A-566-MA-2014(O&M)
Date of Decision: 16.10.2018****Nachhattar Singh****...Applicant****Versus****Manga Singh and others****....Respondents****CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: - Mr. G.S.Nahel, Advocate
for the applicant.

Mr. Harpreet Multani, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)**CRM-11563-2014**

Through this application, prayer has been made for
condonation of delay of 10 days in filing the appeal.

For the reasons mentioned in the application, the same is
allowed. The delay of 10 days in filing the application seeking leave to
appeal is condoned.

CRM-A-566-MA-2014(O&M)

Through this petition filed under Section 378(4) Cr.P.C., prayer
has been made for grant of leave to appeal.

Briefly, the applicant, who belongs to Scheduled caste
community, moved a complaint to the police against private respondents
that in the day time of 26.07.2011 private respondents came on motorcycle;
abused and humiliated him in the name of his caste, in the presence of

passersby, which, on investigation was found false and the case was filed. Consequently, the applicant filed a complaint under section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against the private respondents leveling the similar allegations, but clarifying that the private respondents had uttered him *“Kutiya, Chuhriya”! Sadde Tukryan te palan wale, sale chuhriyo Aaj char Aakhar Parr ke Siyana Ta kee Hau Gave, Sannu Parraun Lag Paye Hau, Assi Jaadi Pusti Sardar Haan, tusi Churrey Chamiyar dhed Saade Pairen Di Jutti Haun.”*

Learned counsel for the applicant contends that the trial Court failed to appreciate that there was cogent and convincing evidence in support of the applicant, duly corroborated by independent witnesses; PW-2 Harjinder Singh and PW-3 Balwinder Singh. The impugned judgment is based on surmises and conjectures. The motive for abusing the applicant by the private respondents in the name of his caste was also proved beyond shadow of doubt. Therefore, the trial Court wrongly acquitted the private respondents without appreciating that mother of respondent No. 1 and wife of respondent No. 2 was Sarpanch of the village and they had demolished Dharamshala belonging to their community.

Having given thoughtful consideration to the submissions made by learned counsel for the applicant, this Court finds the present application completely devoid of any merits for the reasons to follow:-

1. Initially applicant moved a complaint to the police regarding the very occurrence not specifying the words which the private respondents had allegedly uttered to abuse him in the name of his caste. However, in the complaint, which he filed before the Court, he mentioned those specific words allegedly uttered by the private

respondents which definitely tantamounts to improvement in the complainant's version.

- 2. The applicant/complainant had filed a civil suit against his father, Bachan Singh and brother, in which respondent No. 2 appeared as a witness supporting the father of the complainant. The said civil suit filed by the complainant was dismissed. Therefore, the possibility of false implication of respondent No. 2 and his son respondent No. 1 by the complainant cannot be ruled out.
- 3. That apart the complainant had filed another complaint against private respondents before Director (Panchayats), Punjab on which no action was taken. Interestingly, possibility of giving false statement in Court by PW-3 Balwinder Singh and PW-2 Harjinder Singh cannot be ruled out, in view of the fact that much prior to the alleged occurrence, Gram Panchayat of Village Ratoka had filed eviction petition under Section 7 of Punjab Village Common Lands (Regulation) Act, 1961 in which eviction order dated 19.11.1985 was passed against them by the Collector.
- 4. Motive of the complainant/applicant for false implication of the private respondents may be for the reason that Gram Panchayat had demolished the Kachha Kotha (Temporary Room) of Dharamshala meant for Scheduled Caste community against the wishes of the complainant.
- 5. Therefore, considering over all above facts and going through the judgments of the trial Court, no interference is called in the impugned judgments.

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

16th October, 2018

shabha

[RAMENDRA JAIN]
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No