

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-A-697-MA-2017

Date of Decision:04.07.2018

Rintu Kumar

.....Applicant

Versus

Anju Dalmia and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Sanjiv Gupta, Advocate,
for the applicant.**

HARI PAL VERMA, J.(Oral)

Applicant has filed the present application under Section 378 (4) Cr.P.C. for grant of special leave to appeal against the impugned judgment of acquittal dated 23.01.2017 passed by learned Judicial Magistrate 1st Class, Bathinda.

On a complaint filed by the applicant under Sections 452, 382, 323, 506/34 IPC, learned Judicial Magistrate 1st Class had dismissed the complaint and accordingly acquitted the respondents after giving them the benefit of doubt as no proper cogent and convincing evidence could be led by the applicant against the accused.

Learned counsel for the applicant has argued that the respondents have not only given injury to the applicant rather trespassed into his property, but the trial court has erred in not appreciating the evidence in the right manner. The complaint was dismissed by the trial

court merely with an observation that the complainant has failed to furnish

any details about the manner in which beating was given to him despite the fact that all the accused had entered into his house and given beatings.

I have heard learned counsel for the applicant.

It was alleged by the complainant that on the day of occurrence, the accused started throwing bricks on the gate of house of the applicant and when the complainant opened the main door of his house, the accused entered into his house and caught hold of him and started beating him. Interestingly, the complainant has not mentioned that which of the accused have injured him and in what manner. In the absence of any proper explanation, the trial court has rightly dismissed the complaint, as the complainant has failed to substantiate the charges against the accused who have rightly been acquitted. Therefore, this Court does not find any reason to interfere with the judgment of acquittal dated 23.01.2017 passed by learned Judicial Magistrate 1st Class, Bathinda.

Dismissed.

July 04, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No