

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-A-1058-MA-2017
Date of Decision: 13.11.2019

Lekh Raj

.....Applicant

Versus

Ratni and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Parminder Singh-I, Advocate, for the applicant.

Harnaresh Singh Gill, J.

The complainant (applicant herein) has filed the present application under Section 378(4) Cr.P.C. for grant of special leave to appeal against the judgment dated 13.2.2017 passed by the Judicial magistrate, 1st Class, Jalandhar, vide which complaint under Sections 323, 452, 427, 447, 511, 504, 506, 380, 382, 148, 149 IPC preferred by the applicant was dismissed and the respondents were acquitted of the charges framed against them under Sections 148, 323, 427, 458 read with Section 149 IPC.

Applicant had filed a complaint alleging therein that he along with his son Deepak Kumar @ Deepa was running a shop for selling and purchasing of mobile phones and accessories in the name and style of Maa Bhagwati Communication and respondent Nos. 1 to 3 were residing in the opposite house. They had earlier moved an

application/complaint against the complainant leveling false allegations regarding the death of wife of respondent No.2, who committed suicide, but later the said complaint was filed. It was further stated that another application was also filed against the son of the complainant, wife of the complainant and one Karam Singh, President of the Locality, which was pending.

It was further alleged that on 13.03.2011 at 8.30 p.m., all the respondents had attacked the complainant while trespassing into his house and inflicted injuries and also broke the household articles. Even the son and wife of the complainant had received injuries and due to the terror of the respondents, the applicant approached the Police Station on 14.03.2011 at 11 a.m., but the police did not take any action because of the influence of the respondents.

After the preliminary evidence, the respondents were summoned to face the trial under Sections 458, 323, 427, 506, 148, 149 IPC.

The trial Court while taking into consideration that the applicant did not place on record any medical record regarding the injuries inflicted upon the applicant or his son or his wife and that neither CW2-Ram Krishan nor CW3-Surinder Kumar was present at the time of occurrence, acquitted the respondents of the charges framed against them.

I have heard the learned counsel for the applicant.

It is argued by the learned counsel for the applicant that all the respondents had trespassed into the house of the applicant, when the family was taking meals. It is further argued

that there were specific allegations against the respondents for having inflicting injuries on the person of the complainant, his wife and son as also regarding the respondents being armed with deadly weapons.

It is further argued that CW2-Ram Krishan and CW3-Surinder Kumar, being independent witnesses had corroborated the version of the applicant. But the respondents have been acquitted on the ground that the details of the broken household articles were not given nor any medical record was placed on record, whereas the evidence led by the applicant is trustworthy.

To my mind, the conclusion drawn by the trial Court deserves to be upheld as the applicant failed to place on record the medical evidence by way of evidence. The alleged occurrence took place on 13.03.2011 at 8.30 p.m., whereas the applicant along with the respectable approached the local police on 14.02.2011 at 11 a.m. No effort was made to call the police on telephone nor the delay was explained as to why the complainant approached the police on 14.3.2011 at 11 a.m. and why not at 7.00 a.m. or 8.00 a.m., in the morning. Even the statements of CW2 and CW3 are contrary to the statement of CW1.

The learned trial Court has rightly given benefit of doubt to the respondents, while passing the impugned judgment. It could not be pointed out that the learned trial Court has misread or misinterpreted the evidence while passing the impugned judgment. Still further, I do not find any

perversity or illegality in the impugned judgment, which may warrant interference by this Court in the present application.

In view of the above, the present application is dismissed. Special Leave to appeal is declined.

(HARNARESH SINGH GILL)
JUDGE

13.11.2019
ds

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No