

CRM-A-1417-MA-2017(O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A-1417-MA-2017(O&M)

Date of decision: 03.12. 2019

Aman Kumar

.....Appellant

Versus

Latuva alias Lattu and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.D.P.S.Bajwa, Advocate for the appellant

ANIL KSHETARPAL, J. (ORAL)

CRM-20025-2017

Delay of 5 days in filing the application for leave to appeal is condoned for the reasons stated in the application.

CRM stands disposed of.

Main case

Special leave to appeal has been sought against the judgment of acquittal passed by Judicial Magistrate First Class dated 28.3.2017. Criminal complaint filed by the appellant herein under Sections 323, 325, 447, 452, 506, 34 IPC has been dismissed by the learned Judicial Magistrate. Learned Court has recorded the following reasons to hold that the prosecution has failed to prove its case beyond shadow of reasonable doubt:-

- i) There is unexplained delay of 1 month and 10 days in filing the complaint before the Court.
- ii) In the criminal complaint, appellant has pleaded that

some injuries were caused to the accused in self defence.

However, when appeared in evidence denied that fact.

iii) The evidence led by the complainant is full of material contradictions and lacuna.

iv) Against the complainant a criminal case was registered vide FIR No. 171 dated 5.8.2012 with regard to some incident, therefore, there are chances of false implication.

v) The alleged eye witnesses has stated that when they reached the spot after hearing the noise then the accused were beating the complainant Aman and Sube. However, on appreciation of evidence, the Court has found that both the eye witnesses reached at the spot, after the alleged injuries had been inflicted. Hence, the testimony of the alleged eye witnesses is surrounded by suspicion.

Keeping in view the aforesaid findings, this Court is not inclined to grant special leave to appeal, particularly, when learned counsel for the appellant, fails to draw attention of the Court to any substantive error or perversity in the order.

Dismissed.

03.12. 2019

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No