

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

CRM-A-1144-MA-2015 (O&M)
Date of decision : 28.11.2019

Kulwant Singh

...Applicant/appellant

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. G.K. Mann, Advocate for the applicant/appellant.

ANIL KSHETARPAL, J. (ORAL)

Special Leave to Appeal has been sought against judgment of acquittal passed by the learned Judicial Magistrate, Ist Class.

The Court has noted that the complainant has failed to produce any stay or order as alleged by him. Still further, even if any interim order passed by the Civil Court has been violated, remedy available is under Order 39 Rule 2-A and not by filing criminal complaint. Further, no independent witness has been produced to prove the incident as narrated by the applicant/appellant. Still further, the Court has found that taking of fodder crop of complainant in broad day light, is not minor incident and, therefore, it was incumbent upon the complainant to produce independent evidence to make a prima facie case.

In view thereof, Judicial Magistrate has taken a reasonable and probable view which is not shown to be suffering from substantive error or perversity.

Accordingly, Special leave to appeal is declined.

In view of the order passed on merits in application for grant of special leave to appeal, no order is required to be passed in application for condonation of delay.

28.11.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No