

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

**CRM-A-1777-MA-2017
Date of Decision:05.09.2019**

Nasir

...Applicant

Versus

Khurshid and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Mohd. Arshad, Advocate for the applicant.

ANIL KSHETARPAL, J.

CRM-25213-2017

For the reasons stated in the application, delay of 450 days in filing leave to appeal is condoned.

CRM stands disposed of.

Main case

Leave to appeal has been sought against the judgment of acquittal dated 09.03.2016 passed by the learned Judicial Magistrate 1st Class, Mewat, acquitting the accused.

The learned court has recorded following three reasons for acquittal:-

- (i) There is a delay of 1 month and 7 days in lodging the DDR, which has been lodged only after other party i.e. accused had lodged FIR against the complainant-applicant.
- (ii) As per the case of the prosecution, the applicant-complainant was first time medically examined after a period of 1 month and 6 days. The applicant-complainant alleges that the accused had caused fracture. Person, who has suffered fracture, would not wait for 1 month and 6 days to get himself medically examined. Even no medical record has been produced to prove that the applicant-complainant got treatment from any private hospital.
- (iii) Applicant-complainant has implicated 22 accused in a criminal complaint. The Court summoned as many as 13

accused, however, when complainant appeared in the evidence, he did not name the accused who had not been summoned.

Learned counsel for the applicant-complainant, although, made sincere attempt, however, failed to point out any perversity or substantive error in the impugned judgment. The learned trial court has taken reasonable and probable view on the basis of evidence led. The jurisdiction of this Court against the judgment of acquittal is limited.

In view of the above, no ground is made out to grant leave to appeal. The present application is dismissed.

05.09.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No