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

CRM-A-691-MA-2016
Date of Decision:26.11.2019

Baru Ram ...Appellant

Versus

Naib Singh and others ...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.J.S.Khattar, Advocate for
Mr.Deepak Sharma, Advocate for the appellant.

ANIL KSHETARPAL, J.

Special leave to appeal has been sought against the judgment of acquittal passed by the learned Judicial Magistrate 1st Class.

The learned court, on appreciation of evidence, has dismissed the complaint and discharged the accused by recording the following reasons:-

(i) There is a delay of almost two years which remains unexplained.

(ii) Presence of two sons of the complainant inside the house at the time of alleged incident is not proved. Further, if the allegations are true, then conduct of two sons, who were present inside the house and did not come forward to save the complainant from the clutches of the accused persons, is highly improbable.

(iii) It is not proved that the incident in question took place inside the house of the complainant.

(iv) The doctor, who has been examined, has stated that possibility of the injuries caused by friendly hand cannot be ruled out.

Learned counsel for the appellant although made sincere attempt but failed to draw attention of the court to any substantive error or perversity in the conclusion drawn.

In view of the above, the special leave to appeal is declined.

26.11.2019 **(ANIL KSHETARPAL)**
mks **JUDGE**

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

MUKESH KUMAR
2019.11.29 11:06
I attest to the accuracy and
integrity of this document
High Court, Chandigarh