

CRM-A-937-MA of 2016

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

CRM-A-937-MA of 2016

Date of Decision: 20.03.2019

Satbir

....Applicant

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Neeraj Sheoran, Advocate, for the applicant.

RAMENDRA JAIN, J. (ORAL)

Through instant application under Section 378(4) Cr.P.C. prayer has been made by the complainant for leave to file appeal against judgment dated 01.03.2016 of the trial Court, acquitting respondents No.2 to 5 (in short 'private respondents').

Briefly, applicant lodged DDR No.24 dated 14.11.2010 against the private respondents that in the day time of 14.11.2010, they caused injuries on his right toe with axe, gave three lathi blows on his right ankle and left toe. His raising alarm attracted his brother CW2 Mahender Singh on the spot, who rescued him from the clutches of private respondents.

During investigation on finding the said DDR false, police did not take any action against private respondents. Therefore, applicant on above allegations filed a private complaint in Court against them under Sections 323, 324, 325, 447, 506, 34 IPC. However, after holding trial, private respondents were acquitted by the trial Court vide impugned judgment dated 01.03.2016.

Learned counsel for the applicant *inter alia* contends that trial

Court failed to appreciate that CW3 MHC Mahender Singh has proved

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aforesaid DDR No.24 dated 14.11.2010 recorded by applicant on the date of occurrence itself. Therefore, no concocted version could be expected from the applicant in his complaint or evidence, even, if, the impugned complaint was filed by him after two years. The applicant has also examined CW4 Dr. Ashish Gupta, who had proved injuries suffered by the applicant at the hands of private respondents. Therefore, trial Court ought to have convicted the private respondents appropriately instead of dismissing the complaint.

Having given thoughtful consideration to the above submissions, this Court finds the instant application completely devoid of any merit for the reasons to follow.

According to the applicant, he had suffered injuries with axe and lathis, but CW4 Dr. Ashish Gupta did not find any cut injury on the persons of the applicant at the time of his medico-legal examination. Rather all the injuries disclosed by the applicant were complain of pain. The above fact falsified the entire version of the applicant that he was caused injuries with axe and lathis.

Filing of the complaint after two years apparently proves that the same was a counter-blast to FIR No.410 dated 01.12.2010 registered under Sections 323, 325, 34 IPC at Police Station Tosham against the applicant in which he was facing trial.

I have gone through the judgment of trial Court and find no illegality or perversity in the same.

Leave to appeal declined.

March 20, 2019
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No