

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

CRM-A-1140-2019(O&M)

Date of decision: 03.12. 2019

Kashmir Singh

.....Appellant

Versus

Sukhpal Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

ANIL KSHETARPAL, J. (ORAL)

Leave to appeal has been sought against judgment of acquittal passed in criminal complaint filed under Sections 425, 427 IPC read with Section 149 IPC. Learned Magistrate has found that ingredients of Section 427 IPC are not made out. The dispute between the parties is of civil nature and it is sought to be given colour of criminal offence. The dispute is with regard to a passage.

Complainant-appellant claims himself to be in cultivating possession as a mortgagee but no mortgage deed has been produced and proved. Still further revenue record shows that accused are in cultivating possession of the property. In view thereof, no ground to grant leave to appeal. The conclusion is drawn by the learned Magistrate on appreciation of evidence, which is not shown to be suffering from any substantive error or perversity.

Dismissed.

03.12. 2019

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No