

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-A-612-MA of 2017 (O&M)

Date of Decision : 03.09.2019

Rajender Singh

....Appellant

Versus

Virender and others

...Respondents

CORAM : HON'BLE MR.JUSTICE ANIL KSHETARPAL

Present : Mr. K.D.S.Hooda, Advocate for the appellant

ANIL KSHETARPAL, J.(ORAL)

CRM No.9722 of 2017

Delay in filing the appeal is condoned for the reasons stated in the application.

Main case

Leave to appeal has been sought under Section 378(4) Cr.P.C against judgment of acquittal passed by the Court of Sessions vide judgment dated 14.10.2016.

Learned Sessions Court had delivered the judgment in the criminal complaint alleging offences under Sections 323, 367, 342, 295-A, 506 IPC. Prosecution in order to prove its case has examined Ram Raji PW1, Rajinder-petitioner (PW2) Sant Ram PW 3 and Pawan PW 5.

This Court has heard learned counsel for the appellant at length and with his able assistance has gone through the impugned judgment. At the outset it must be noticed that while hearing appeal against the judgment of acquittal the jurisdiction of Court is limited and if the Court finds that the

trial Court has drawn a reasonable and probable opinion on appreciation of evidence, the Court while granting leave would not interfere. Before a higher Court interferes, it must be established before the Court that there is some perversity or apparent material illegality in the judgment.

Learned Court has found that the petitioner-complainant although complained of injuries suffered at the hands of accused but no medical evidence was produced. Complainant has claimed that he had taken treatment from a private hospital but name of treating doctor or medical evidence to prove that fact has not been produced. Still further on the complaint of the appellant police had carried out thorough investigation and found the complaint of the appellant to be false. The report of the investigation is Ex. D-1. There was obvious motive of false implication as there was hooting amongst the followers of Kabir Panth and Arya Samajis and in order to put pressure on Arya Samajis, the false complaint was registered. Complainant and his associates are facing criminal trial as accused.

It is not clear that what was nature of vehicle allegedly used to abduct the complainant is not clear. There is discrepancy in the evidence of the complainant and eye witnesses. It has also come on record that there was huge police security in the area but it is doubtful as to whether the appellant had ever made a complaint to the police at the spot. PW3, the eye witness Sant Ram in his cross-examination had stated that Abhey Ram had inflicted injury to the complainant, however, in further cross examination he has stated that Abhey Ram is Ved Pal whereas in the complaint Ved Pal and Abhey Ram are two different accused.

In view of the aforesaid, this Court does not find any good

ground to grant leave to appeal. Hence, dismissed.

(ANIL KSHETARPAL)
JUDGE

03.09.2019
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No