

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

CRM-A-3751-MA-2018 (O&M)

Date of decision : 15.05.2019

Sarabdeep Singh

...Applicant/appellant

Versus

Gurdial Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rishab Sharma, Advocate for the applicant/appellant.

ANIL KSHETARPAL, J. (ORAL)

CRM No.44762 of 2018

For the reasons stated in the application, which is duly supported by an affidavit, delay of 113 days in filing the present appeal is condoned.

Application is allowed.

Main

Leave to appeal has been sought against the judgment passed by the Sub Divisional Judicial Magistrate, Baba Bakala Sahib, District Amritsar dismissing the criminal complaint filed under Sections 447, 506, 148, 149 of the Indian Penal Code.

The findings recorded by the learned Sub Divisional Judicial Magistrate, Baba Bakala Sahib, District Amritsar are as under:-

“15. Therefore, from the evidence of the documents on record, it is clear that Iqbal Singh was not exclusive owner in possession of the disputed land. There are other co-shares also. Moreover, from the cross-examination of CW1 Mangal Singh, CW2 Nirmal Singh and CW3 complainant Sarabdeep

Singh it is clear that the said property is not partitioned and as such the ingredients of Section 447 of IPC are not fulfilled. Moreover, the complainant has not placed on record any documents/ photographs from which it can be inferred that the accused persons have destroyed/ cut the Permal rice from the land of the complainant bearing Khasra No.58//23,24,25 and 61//5. Moreover, the complainant has never moved any application to the concerned patwari to enter this incident in the roznamcha Vaquiati. As such the complainant has failed to prove on record that the accused persons have cut permal rice crops also. As such, the ingredients of Section 427 of IPC are also not proved on record. Moreover, from the evidence of the Cws as well as from the complaint, it is clear that the ingredients of Section 506 of IPC are also not fulfilled as the complainant has failed to prove on record that which words the accused persons have uttered against him. As such no offence under Section 506 of IPC is made out against the accused persons.”

Learned counsel appearing on behalf of the applicant/appellant has been heard at length. Although, he has made sincere attempt, however, failed to draw attention of the Court to the perversity or substantive error in the conclusion arrived at by the learned trial Court.

In these circumstances, this Court does not find any good ground to grant leave to file appeal.

Dismissed.

15.05.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No