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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.L.P. 145/2020**

STATE OF NCT OF DELHI

..... Petitioner

Through: Mr Amit Gupta, APP for State.

Versus

GOLU

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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11.02.2020

CRL.M.A. 3063/2020

1. Allowed, subject to all just exceptions.

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2. The State has filed the present petition, *inter alia*, seeking leave to appeal against the judgment dated 24.10.2019, whereby the respondent was acquitted of the offence under Section 325 of the IPC.

3. The respondent was prosecuted pursuant to an FIR No.442/2015 under Section 325 of the IPC. It was reported that on 06.09.2015 at about 2:00 PM, an incident had taken place at Shop no.33, Khanna Market, 1st floor, Tis Hazari. It was alleged that the respondent had caused injuries to the complainant (Shri Girdhari Lal) by pushing him from the stairs. The complainant had alleged that the accused was proceeding to beat his son and he had intervened; And at that stage, the respondent had pushed him down the stairs resulting in him suffering grievous injuries.

4. The complainant deposed as PW-1. In his examination-in-chief, he stated that the accused was quarrelling with some other persons and on further cross-examination by the learned APP, he accepted the suggestion that the accused was beating his son.

5. The complainant's son testified as PW-2. His testimony indicated that another son of the complainant (Manish) was present on the ground floor. He deposed as PW-7 claimed that his father (the complainant) had been pushed from the first floor. All the material witnesses PW-1, PW-2 and PW-7 admitted that there was a dispute between the respondent and the complainant, who was working with the complainant.

6. The Trial Court examined the testimony of PW-1, PW-2 and PW-7 and found that there were certain doubts as to the incidents. The Trial Court had noted that PW-7 was on the ground floor and could not have witnessed the incident on the first floor. The learned counsel appearing for the respondent also suggested that the respondent had been beaten by the sons of the complainant and the complainant had fallen down while the respondent was trying to escape. It is apparent from the testimony that there was a physical altercation between the respondent, the complainant and his two sons. It also does not appear that the respondent had deliberately inflicted injuries on the complainant.

7. Given the aforesaid facts, this Court finds no infirmity with the decision of the Trial Court in acquitting the respondent. The petition is unmerited and is, accordingly, dismissed.

VIBHU BAKHRU, J

FEBRUARY 11, 2020/MK