

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-A-1084-MA-2017

Date of Decision: 24.08.2022

Rati Ram

... Applicant

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Rao Ajender Singh, Advocate for the applicant

Sandeep Moudgil, J. (Oral)

This application for grant of leave to appeal has been filed by applicant against acquittal of the respondents No.2 to 6, vide judgment dated 01.02.2017 passed by the learned Additional Sessions Judge, Narnaul (for short, 'the trial court') in case FIR No.48 dated 09.02.2015 under Sections 148/149/323/327/452/506 IPC and Section 3 of SC/ST Act registered at Police Station Nangal Chaudhary, District Mahendergarh.

Learned counsel for the applicant submits that on 09.02.2015 at about 8.30 am, when he along with his son, Om Parkash, wife Sunari Devi and daughter in law Mamta Devi were sipping tea in the veranda of their baithak, respondent/accused Pilot, Suresh Kumar, Kana Ram, Suna Ram, Hem Raj and brother-in-law of Suna r/o Gothra (Rajasthan) gave beatings to them and also broke the household articles and took away Rs.84,000/- from the house of the applicant. On the basis of their statement, case under Sections 148/149/323/327/452/506 IPC and Section 3 of SC/ST Act was registered at Police Station Nangal Chaudhary, District Mahendergarh. On investigation, all the accused persons were found innocent except respondents No.2 to 6. Before the trial court, 13 witnesses were examined by the

prosecution and no witness was examined by the applicant and as such the trial court vide its judgment dated 01.02.2017 acquitted all the accused persons on the ground that the incident had taken place inside the house of the applicant and as such offence under Section 3 of the SC/ST Act is not made out and that out of 13 prosecution witnesses examined, 4 were eye witness to the incident. It is further contended that the trial court did not give much weightage to the testimony of PW1, who categorically stated in examination in chief that all the persons gave injuries and hurled casteist remarks against the applicant as well as to the photographs. Therefore, the judgment is liable to be set aside and accused/respondents No.2 to 6 deserve to be acquitted.

I have heard learned counsel for the applicant and gone through the record and am of the considered view that this application cannot be entertained.

Learned trial court has rightly observed that the sole version of the complainant and his family members is not sufficient to believe that any casteist remarks were made with an intention to humiliate and insult the applicant, the requirement of law that the derogatory words should be stated in public view at public place is not fulfilled in this case nor the case of committing atrocities is made out and, therefore, offence under Section 3 of the SC/ST Act does not stand proved. It has also come on record that there is no independent witness and the ocular version of the applicant is contrary to the medical evidence proved by PW9 Dr. Kapildev, who had stated that the injury No.2 on the person of Om Parkash (son of the complainant) is not the result of blow of lathi, iron pipe etc. and that injury No.3 is no injury until and unless, it is not surrounded by fractures.

In view of the above discussion, I do not find any illegality in the judgment passed by the learned trial court.

Accordingly, the application for leave to appeal is hereby dismissed.

24.08.2022
V.Vishal

(Sandeep Moudgil)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No