

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

**CRM-31516-2019 in/and
CRM-A-2295-2019
Date of Decision: 27th July, 2022**

Santosh

... Applicant

Versus

Sunehara Singh

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Ashutosh Kaushik, Advocate for the applicant.

AVNEESH JHINGAN , J.(Oral)

CRM-31516-2019

This application is filed for condonation of delay of three days in filling the appeal.

For the reasons mentioned in the application, the same is allowed.

CRM-A-2295-2019

1. This is an application for grant of leave to appeal against judgment of acquittal in Complaint No. 11 of 2017, under Sections 323, 427, 448, 500 and 506 of Indian Penal Code, 1860 (for short 'the Act').

2. Brief facts as per the complainant-Santosh are that on 29th August, 2009 Sunehara Singh (respondent) in collusion with the opponent faction of the village forcibly entered into the house of the complainant and tried to demolish the house alleging it to be illegal. On 2nd September, 2009, complainant along with her son-Deepak Prashar went to the District Development and Panchayat Office, Kurukshetra for

29th August, 2009. The District Development and Panchayat Officer (for short 'the DDPO') went out to receive a mobile call and at that time Sushma Sharma resident of Katoli was present in the office. In the absence of the DDPO, the complainant had a quarrel with the respondent. It was alleged that he gave a slap on the face and breast of the complainant. To prove the allegations, complainant and her son deposed. They faltered in cross-examination as there were contradictions in their statements. They were ignorant about the location of DDPO office, their presence in the DDPO office in itself was doubted. The alleged eye-witness Sushma Sharma was not examined by complaint. The story putforth was found to be doubtful and respondent was acquitted.

3. Learned counsel for the applicant submits that trial court erred in acquitting the respondent. The complainant and her son in examination-in-chief supported the allegations.

4. The cross-examination of the witness is in time tested manner. The complainant and her son were not able to withstand the cross-examination. Their deposition was not found to be reliable. The alleged independent witness for reasons best known was not examined. Having failed to prove the guilt of the hilt, the respondent was acquitted.

5. No case is made out for grant of leave to appeal, as no legal or factual error, much less perversity has been pointed out in the impugned judgment. The conclusion arrived at by the trial court is plausible reason.

6. The application is dismissed.

7. Since the main application is dismissed, pending applications

if any, are rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

27th July, 2022

<i>Parveen Sharma</i>	Whether reasoned/speaking	Yes/No
	Whether reportable	Yes/No