

CRM-A-386-MA-2016 (O&M)

Date of Decision: 07.02.2023

Jagtar Singh

.....Appellant

Vs.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Parminder Singh, Advocate for the applicant-appellant.

HARKESH MANUJA,J. (ORAL)

By way of present application, a prayer has been made for seeking leave to appeal qua the judgment dated 20.11.2015 passed by the Court of Judicial Magistrate Ist Class, Ambala, whereby respondents No.2 to 4 were ordered to be acquitted of the charges levelled against them arising out of a complaint filed at the instance of applicant-appellant.

2. Allegedly having received injuries in an incident dated 10.07.2009, at the hands of respondents No.2 to 4, besides three others, a complaint came to be filed at the instance of petitioner before the Court of learned JMJC, Ambala, wherein respondents No.2 to 4 were summoned to face trial under Sections 323 read with Section 506 of the IPC. Charges were framed against the private respondents under Sections 323 and 506 of IPC on 13.05.2014. Upon trial, the Court of learned Judicial Magistrate Ist Class, Ambala, vide its judgment dated 20.11.2015, acquitted the private

respondents of the charges framed against them as the petitioner having failed to prove his case beyond reasonable shadow of doubt.

3. Learned counsel for the petitioner submits that in order to establish injuries inflicted upon his person, the petitioner was even got medically examined and those have been duly delineated at Page 27 of the judgment passed by the trial Court. Learned counsel further submits that the incident dated 10.07.2009 has even been admitted by the private respondents in FIR registered at the instance of one Baljit Singh, thus, the Court below went wrong while passing the impugned judgment dated 20.11.2015.

4. I have heard learned counsel for the petitioner and perused the paper book. I am unable to accept the submissions made on behalf of learned counsel for the petitioner.

5. Perusal of the judgment passed by the trial Court shows that the same is based on complete and comprehensive appreciation of evidence led by the parties. It can also be seen that the complaint filed at the instance of petitioner herein on 05.08.2009 regarding an incident dated 10.07.2009 was merely an after-thought so as to safeguard himself from the prosecution initiated against him in pursuance to an FIR No.42 dated 11.07.2009 under Sections 323, 324, 341 and 506 of the IPC, read with Section 34 of the IPC, arising out of an incident, wherein he had allegedly inflicted 15 injuries upon the person of the complaint, namely, Baljit Singh, which even were duly proved during the trial resulting into his conviction under Section 323, 324, 325 and 341 of the IPC read with Section 34 of the IPC vide judgment of conviction dated 20.11.2015 followed by order of sentence dated 21.11.2015, even upheld in appeal.

6. In view of the discussion made herein above, I do not find any illegality or perversity in the findings recorded by the trial Court.
7. Resultantly, finding no merits, the application under Section 378(4) of the Cr.P.C. is, hereby, dismissed.

(HARKESH MANUJA)
JUDGE

February 07, 2023
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Whether Speaking	Yes
Whether Reportable	No