

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

CRM-A No.901-MA of 2016
Date of decision: 24th May, 2023

Kuldeep Singh

... Applicant/Appellant

Versus

Baljeet Singh & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rajesh Duhan, Advocate for the applicant/appellant.

MANJARI NEHRU KAUL, J.

1. The appellant/complainant (hereinafter referred to as, 'the complainant') is impugning judgment dated 26.02.2016 passed by the learned Sub Divisional Judicial Magistrate, Guhla whereby the respondents/accused (hereinafter referred to as, 'the accused') were acquitted of the charges framed against them.

2. As per the allegations levelled in the complaint, on 03.02.2014 when Kamlesh Devi, the mother of the complainant, was igniting the garbage lying in the street, all the accused descended on the spot. Accused Sulakhan Singh raised a lalkara that Kamlesh Devi be caught and taught a lesson for igniting garbage every day. On hearing the lalkara, complainant along with his father came out of his house and saw that the accused were beating up Kamlesh Devi. He also witnessed

accused Rani and Nirmal catching hold of Kamlesh Devi and assaulting her with sticks, on her hands and arms. When the complainant came forward to save Kamlesh Devi, accused Baljit Singh inflicted two blows with a spade from its reverse side upon the forehead and stomach of the complainant and also gave kick blows on her face. During trial, the complainant examined as many as 6 witnesses, whereinafter the trial Court framed charges under Sections 148, 323, 452, 506, 149 IPC. On the basis of the material on record and other evidence led, all the accused were acquitted of the charges framed against them.

3. Learned counsel for the complainant has reiterated the submissions made before the trial Court and submitted that the Court below had failed to appreciate the evidence led and thus, had erred in recording a finding of acquittal against all the accused.

4. I have heard learned counsel for the appellant and perused the relevant material on record.

5. The complainant while stepping into the witness box, deposed that the occurrence in question had taken place on 03.02.2014 between 8.30 am to 8.45 a.m. It is very strange that though it was stated that injured Kamlesh Devi as well as complainant had sustained multiple injuries on various parts of their body, however, for reasons best known to them, they failed to get themselves promptly examined by the doctor. It is also a matter of record that FIR No.15 dated

03.02.2014 under Sections 323, 324, 34 IPC was registered at Police Station Guhla at the instance of the accused pertaining to the same occurrence in question. The Medico Legal Examination of the injured (i.e. accused in the instant case) was conducted at 8.30 a.m. on the same day.

6. Still further, while stepping into the witness box, CW-1, complainant, alleged that he had been inflicted spade blows on his person by the accused. However, it is a matter of record that not even one witness deposed qua the complainant receiving any spade blow on his person. All this needs to be appreciated in the light of injuries No.3 and 4 found on the person of the complainant, being just complaints of pain. Furthermore, the MLR clearly reveals that there was no visible sign of injury, physical or otherwise, noticed by the doctor, present on the person of the complainant. The abnormal and unexplained delay of 15 days in the lodging of the FIR in question further creates a dent in the case of the prosecution. As already observed hereinabove, an FIR was also registered by the accused on the very same day of the occurrence i.e. 03.02.2014. This Court, therefore, concurs with the findings recorded by the learned trial Court that the complaint in question was nothing but a counterblast to the case filed by the accused persons against the complainant. The complainant has miserably failed

to corroborate the allegations set out in his complaint by way of any cogent evidence.

7. As a sequel to the above, this Court finds no merit in the instant application. Leave to appeal is thus declined.

(MANJARI NEHRU KAUL)
JUDGE

May 24, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No