

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

**CRM-A-516 of 2022
Date of decision: 5th September, 2023**

Baldev Singh

Applicant

Versus

Chamkaur Singh and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. S. S. Randhawa, Advocate for the applicant.

AVNEESH JHINGAN, J (Oral):

1. This is an application under Section 378(4) Cr.P.C. seeking leave to appeal against acquittal of the respondents in Complaint Case CIS No. COMI-518-2014 under Sections 323, 506, 341 and 34 IPC .
2. The brief facts are that on 3.6.2013, an altercation took place in the court room while the parties had come to attend the criminal proceedings. The injuries were inflicted to Mukhtiar Singh and Baldev Singh (complainant) with the walking stick used by Mukhtiar Singh. The applicant had earlier approached the police authorities by filing an application for registering FIR. An action under Sections 107/151 Cr.P.C. was taken, dis-satisfied with the action, the present complaint was filed.
3. The complaint was dismissed considering that the complainant-Baldev Singh had improved his version in the complaint from the initial application made to the police. It was considered that in the application

filed before the police it was stated that an altercation took place. There was no mention of use of stick or inflicting injuries, his deposition was not found worth reliance. The injured-Mukhtiar Singh instead of getting his examination-in-chief recorded stated that the statement made by him at pre-summoning stage be treated as his deposition. The court concluded that though presence of the accused on the date of occurrence in the court room was proved; the medico-legal reports proved injuries sustained by Mukhtair Singh and Baldev Singh but the complainant failed to prove beyond reasonable doubt that the injuries were inflicted by the accused.

4. Learned counsel for the applicant submits that the court erred in dismissing the complaint once it was proved that the accused were present at the spot and Baldev Singh and Mukhtair Singh sustained injuries.

5. Heard learned counsel for the applicant and perused the paper book.

6. The scope for interference in appeal against acquittal is well settled. A Division Bench of this Court in ***State of Punjab v. Hansa Singh, 2001 (1) RCR (Criminal) 775***, while dealing with an appeal against acquittal held:

*“We are of the opinion that the matter would have to be examined in the light of the observations of the Hon'ble Supreme Court in **Ashok Kumar v. State of Rajasthan, 1991(1) SCC 166**, which are that interference in an appeal against acquittal would be called for only if the judgment under appeal were perverse or based on a mis-reading of the evidence and merely because the appellate Court was inclined to take a different view, could not be a reason calling for interference.”*

7. It’s a trite law that there cannot be re-appreciation of the evidence at stage of considering application. The depositions of two star witnesses were not sufficient to prove beyond reasonable doubt that the injuries sustained by Mukhtiar Singh and Baldev Singh were inflicted by the accused. The view taken by the trial court is plausible.
8. No case is made out for interference. The application is dismissed.

5th September, 2023

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1. Whether speaking/ reasoned

2. Whether reportable

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Yes / No

Yes / No

[AVNEESH JHINGAN]

JUDGE