

CRA-AS No.10 of 2023 (O&M)

2023:PHHC:159242

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

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**CRA-AS No.10 of 2023 (O&M)
Date of Decision: 12.12.2023**

SURENDER**.....Appellant****Vs****STATE OF HARYANA AND ANOTHERRespondents****CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Mukesh Yadav, Advocate
for the appellant.

Mr. Viney Phogat, D.A.G., Haryana.

HARKESH MANUJA, J. (Oral)

[1]. By way of present appeal, challenge has been laid to the judgment dated 04.06.2022 passed by Addl. Sessions Judge, Narnaul, whereby respondent No.2 was acquitted of the charges arising out of FIR No.305 dated 22.08.2020 registered under Sections 447, 506 IPC & 3(1)(v) of SC & ST Act at Police Station Kanina, District Mohindergarh.

[2]. Briefly stating, the aforementioned FIR was registered against respondent No.2 at the instance of appellant/complainant on account of dispute relating to plot measuring 100 sq. yards situated in village Kharkhara Bass, District Mohindergarh which was forcibly taken into possession by respondent No.2, who had even raised illegal construction thereupon. It was stated that the plot in question belonged to appellant/complainant.

[3]. I have heard learned counsel for the parties and gone through the paper book. I am unable to find substance in the submission made on behalf of the appellant.

[4]. The Court below vide the impugned judgment dated 04.06.2022 observed that prosecution failed to prove its case against respondent No.2 and, therefore, he was acquitted from the charges under Section 447, 506 & 3(1)(g) of SC & ST Act.

[5]. A positive finding was recorded by the Court below that on the basis of sole statement of appellant/complainant it could not be established that private respondent had encroached upon his land besides it, there was no revenue document to establish the unauthorized occupation of respondent No.2 over the Khasra No. 290 or even 289.

[6]. No material has been pointed out so as to create any doubt about the findings recorded by the Court below. Accordingly, finding no illegality or perversity in the impugned judgment, no interference is called for. The present appeal is accordingly dismissed.

[7]. All pending application(s), if any, shall stand disposed of.

December 12, 2023
Atik

(HARKESH MANUJA)
JUDGE

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