



CRM-A-1756-MA-2016 (O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

247

CRM-A-1756-MA-2016 (O&M)
Date of Decision: 04.11.2024

Vikram SinghAppellant

Versus

Raja Ram and othersRespondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

MANJARI NEHRU KAUL, J. (ORAL)

CRM-30498-2016

This is an application filed under Section 5 of the Limitation Act read with Section 482 Cr.P.C. for condoning the delay of 24 days in filing the present appeal.

In view of the averments made in the application, delay of 24 days in filing the appeal is condoned.

Application stands disposed of.

CRM-A-1756-MA-2016

1. The appellant (herein referred to as the complainant) seeks to challenge the judgment dated 13.06.2016 passed by the learned Judicial Magistrate First Class, Mahendergarh, vide which the respondents/accused were acquitted of the charges framed against them in a criminal complaint filed under Sections 323, 506 read with Section 34 of the Indian Penal Code, 1860 (hereinafter referred to as IPC).

2. As per the allegations in the complaint, the complainant and his father were cutting a *Shisam* tree in their field when the accused persons,

**CRM-A-1756-MA-2016 (O&M) 2**

armed with *lathies*, confronted them and questioned why the tree was being severed. The complainant and his father responded that the tree had been planted by them and they had obtained the requisite permission from the Forest Department. This explanation allegedly enraged the accused, who then assaulted the complainant. The accused inflicted injuries with a *lathi* on the left shoulder of the complainant, delivered a second blow on his left waist, and further assaulted him with kicks and fist blows on his chest and body. When the father of the complainant attempted to intervene, he too was assaulted with kicks and fist blows.

3. Learned counsel for the petitioner has reiterated the allegations made in the complaint and argued that the trial Court erred in acquitting the accused despite sufficient evidence on record. It has been contended that the Medico Legal Report (MLR) of the injured complainant, corroborated the testimony of Dr. Aman Yadav (CW-5), and conclusively established the injuries sustained by the complainant. It has been further submitted by the learned counsel that the impugned judgment is based on conjectures and surmises and, therefore is liable to be set aside.

4. It has further been submitted by the learned counsel that the witnesses in the present case fully supported the version of the complainant. However, the trial Court dismissed the complaint on the ground of a delay of 9 days in lodging the complaint, which as per the learned counsel was not sufficient to discredit the case of the complainant.

5. This Court has carefully heard the submissions of the learned counsel and examine the material on record.

6. It is undisputed that the primary dispute revolves around the *Shisham* tree situated on joint land owned by the parties. Since the partition



CRM-A-1756-MA-2016 (O&M) 3

proceedings for the joint land are still pending, the complainant did not have exclusive rights over the said tree. In the absence of such exclusive rights, the act of the complainant of cutting the *Shisham* tree would lack any legal support.

7. Further, as per medical evidence, the injuries sustained by the complainant are superficial and minor in nature, raising the possibility of self-infliction or accidental injuries caused by a fall. The nature of these injuries does not inspire confidence in the version given by the complainant.

8. In the lights of the facts and circumstances as enumerated hereinabove, this Court does not find any error or infirmity in the impugned judgment that would warrant interference.

9. Accordingly, the present application for leave to appeal stands dismissed.

**(MANJARI NEHRU KAUL)
JUDGE**

**04.11.2024
anil**

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