



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A-1826-MA-2014
DATE OF DECISION: 13.11.2024

RAMESH KUMAR

.....APPELLANT/APPLICANT

Versus

UJAGAR SINGH AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Harveen Mehta, Amicus Curiae
for the applicant/appellant.

SANDEEP MOUDGIL, J (ORAL)

1. By filing the present appeal, under Section 378(4) Cr.P.C. the appellant has assailed the judgment dated 23.08.2014 passed by Additional Cheif Judicial Magistrate dismissing the complaint and acquitting the respondents-accused of the charges under Sections 325, 506, 148, 149 and 447 IPC registered at P.S. Ambala, District Ambala.

2. Learned counsel for the applicant/appellant contends that the judgment passed by the trial Court suffers from grave illegality, perversity and the same is based upon surmises and conjectures and as such the same is liable to be set aside. It is further contended that the trial Court gave the benefit of acquittal to the respondent-accused on the ground that there are certain

discrepancies in the version of the complainant, which culminated into being the defence of accused probable and trustworthy. Such an erroneous finding deserves to be set aside as the trial Court has utterly failed to appreciate the well proven oral as well documentary evidence of the complainant. Despite being a fully proven case, the trial Court has wrongly and illegally acquitted the accused. Hence, the impugned judgment dated 23.08.2014 is liable to be set aside.

3. It is further argued that the trial Court decision to acquit the accused is erroneous and illegal as the accused-respondent has inflicted ten injuries on the applicant using deadly weapons and have extended threat to their life. He further contends that respondent No.1-Ujagar Singh's conviction under Section 323 IPC is considered insufficient, considering the fact that there were total five accused who collectively inflicted ten injuries on the appellant.

4. Heard.

5. I have perused the impugned judgment carefully and have also meticulously gone into the findings recorded by the trial Court. Upon perusal of the same, I do not find any perversity or illegality therein as in para No.9 of the impugned judgment, it is specifically stated that the respondent No.1-Ujagar Singh inflicted injuries on the person of the complainant with the lathi on his left and shoulder. Further all the injuries as per MLR were declared to be simple in nature as only minor abrasion, radish contusion were detected on the person of the complainant. Therefore, this Court finds no reason to interfere in the well reasoned order of the trial Court wherein the respondent has only been convicted under Section 323 and not under other Sections

because as per MLR he has only inflicted injuries that were declared to be simple in nature.

6. On perusal of the judgment passed by the trial Court dated 23.08.2014, this Court is of the considered view that the said judgment is well reasoned and is based upon proper appreciation of evidence led by the parties. The ground of conviction only under Section 323 IPC and acquittal of respondents No.2 & 3 as has been culled out by the trial Court, cannot be said to be faulty, contrary to law or requiring any interference by this Court.

7. Accordingly, the leave to appeal stands declined.

8. Ordered accordingly.

13.11.2024

Poonam negi

(Sandeep Moudgil)
Judge

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No