
(2011) 03 P&H CK 0348

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 73-MA of 2011 (O and M)

State of Haryana

APPELLANT

Vs

Dharmender and Others

RESPONDENT

Date of Decision : 03-03-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 307, 34

Citation : (2011) 03 P&H CK 0348

Hon'ble Judges : Hemant Gupta, J;Arvind Kumar, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Criminal Misc. No. 2289 of 2011

1. For the reasons mentioned in the application, delay of 89 days in filing the appeal is condoned.

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2. State is in appeal aggrieved against the judgment passed by the learned Addl. Sessions Judge, Jhajjar on 23.04.2010, whereby the accused were acquitted of the charge leveled u/s 307 read with 34 of the Indian Penal Code.

3. The prosecution was set in motion on the basis of statement of Kamlesh on 16.07.2007 in respect of injuries suffered by her husband Dilbagh Singh on 11.07.2007.

4. Learned trial court has found that wife and brother of the injured are the only witnesses. It has been found that no C.T. Scan and X-ray reports have been produced on the file. Trial Court found that there is no evidence to connect the accused with the commission of offence.

5. The first version by Kamlesh given to PW-7 Dr. Shally Dahiya is that the patient was found semi conscious in his fields on 14.07.2007 at about 4.00 a.m.

The learned trial Court has found that the statement of Kamlesh (Ex.PD), made to police and her testimony, while appearing in the witness-box as PW-6, is contradictory, which throws doubt on the credibility of the prosecution story.

6. The learned trial Court has considered various factors including delay in lodging of FIR, non-examination of independent witness and contradictory stand of the prosecution witnesses with the previous statements made. We do not find any illegality or irregularity in the findings recorded by the learned trial Court, which may warrant any interference by this Court in appeal against acquittal.

Dismissed.