
(2012) 09 UK CK 0064

In the Uttarakhand High Court

Case No : Government Appeal No. 1983 of 2001

State of Uttaranchal (now State of Uttarakhand)

APPELLANT

Vs

Veer Singh

RESPONDENT

Date of Decision : 05-09-2012

Acts Referred:

Penal Code, 1860 (IPC) — Section 323, 452

Citation : (2012) 3 UC 1981

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Advocate : Vipul Painuly, A.G.A, for the Appellant; L.K. Tewari, Advocate, holding brief of Shri J.P. Joshi, for the Respondent

Judgement

Prafulla C. Pant, J.—Delay Condonation Application in filing the appeal is allowed. Delay is condoned. This is leave to appeal application seeking leave against the order of acquittal recorded by Civil Judge (Junior Division)/Judicial Magistrate, Rishikesh, in Criminal Case No. 1385 of 1996, whereby said court has acquitted the accused/respondents Veer Singh, Dilbar Singh, Samsher Singh and Balbeer Singh, from the charge of offences punishable u/s 452 and 323 of I.P.C.

2. The trial court has disbelieved the prosecution story on the ground that there were inconsistencies between the statements of the witnesses and also between the statements of the complainant and the contents of the First Information Report. The trial court has also taken the view that the story of house trespass and causing voluntary hurt to the complainant, and other members of his family does not appear to be natural in the facts and circumstances of the case. Regarding injuries, the trial court has observed that the same were such, which could have been caused by fall on the ground.

3. In the above circumstances, this Court finds no sufficient reason to grant leave to appeal. Accordingly, leave to appeal application is rejected. Leave is refused. Appeal stands dismissed summarily.