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Court : Rajasthan

Decided On : Aug-19-1988

Reported in : 1988WLN(UC)154

Judge : Kishore Singh Lodha, J.

Appeal No. : S.B. Cr. Appeal No. 162 of 1979

Appellant : Dev Lal

Respondent : Moda and ors.

Disposition : Appeal dismissed

Judgement :

Kishore Singh Lodha, J.

1. This appeal by the complainant Dev Lal has been filed against the five respondents after leave was granted to him, against the acquittal for offences under Sections 323, 342 and 147 IPC. I do not propose to go into the merits of the matter, since, in my opinion, now at this stage no interference with the order of acquittal would be proper.

2. It may be mentioned that according to the prosecution the incident had taken place on 29-5-1977, more than 11 years back when the accused party is alleged to have entered the house of the complainant and had given him beating with

hands and fists. The cause of the incident, as alleged by the accused, at the time of the incident was that the complainant had filed a civil suit against the accused and accused wanted him to withdraw the same. On trial the learned Magistrate found that the complaint filed by the complainant was unduly belated and the explanation that first a report was filed with the police was not substantiated. He also found that although the incident had taken place at Bhesrod Garh where a Government Hospital was present the injury report was obtained from a private Doctor at Begun, although at Begun also there was a Government Hospital He also found that the Doctor who issued the certificate was also not produced. On these grounds he acquitted the accused persons. The reasons given by the learned Magistrate do not appear to be wholly improper and perverse. The matter has been pending for the last more than 11 years, then in these circumstances, I am not inclined to interfere with the order of the acquittal.

3. The appeal is accordingly dismissed.

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