

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH**

Criminal Appeal \_\_\_\_\_ of 2018

(Name of the Appellant) (Father's name), (age), (Residence)

.....Appellant

Versus

Name of Respondents

.....Respondents

**Index**

Sr. No.	Particulars	Date	Page No.	Court Fee
1.	Application for leave to appeal			
2.	Affidavit			
3.	Memo of Parties			
4.	Grounds of Appeal			
5.	Affidavit in support			
6.	Impugned Judgment			
7.	Power of Attorney			

Note: Any Connected matter: No

Any Caveat: No

Nature of case: Appeal against acquittal

Chandigarh

Dated:

Appellant

Through Counsel

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH**

CM. No. \_\_\_\_\_ of 2018

In CRA \_\_\_\_\_ of 2018

Name of the Appellant

.....Appellant

Versus

Name of Respondents

.....Respondents

Application U/s 378 (4) Cr.P.C for grant of special leave to the applicant to present the appeal against the order of acquittal passed in favor of .....Petitioner/respondent by the Ld. \_\_\_\_\_, vide judgment dated \_\_\_\_\_

**Respectfully Showeth:-**

1. That the appellant/applicant is filing the accompanying appeal in this Hon'ble court which is likely to succeed as per grounds taken therein and the same may kindly be read as part of this application.

2. That the respondent was facing trial in case FIR No.....dated\_\_\_\_\_ U/s \_\_\_\_\_ IPC registered at PS \_\_\_\_, Panchkula, The respondent was tried by the Ld. \_\_\_\_\_ and the respondent was wrongly acquitted by the Ld. \_\_\_\_\_without appreciating the facts on record and

evidence led by the prosecution and has passed the order of acquittal on conjectures and surmises.

3. That the balance of convenience is also in the favor of the appellant/applicant and if the leave to appeal is not granted to the appellant then he will suffer irreparable loss which cannot be compensated in any manner.

4. That no such or similar application filed by the appellant before this Hon'ble Court or Hon'ble Supreme Court of India.

It is most respectfully prayed that this application may kindly be allowed and the special leave to appeal be granted to the present appellant/applicant, in the interest of justice.

Note: Affidavit is attached.

Chandigarh

Dated:

.....Applicant/ Appellant

Through Counsel

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH**

CM. No. \_\_\_\_\_ of 2018

In CRA \_\_\_\_\_ of 2018

Name of the Appellant

.....Appellant

Versus

Name of Respondents

.....Respondents

**Affidavit of \_\_\_\_\_, S/o \_\_\_\_\_, R/o \_\_\_\_\_, \_\_\_\_\_.**

I, the above-named deponent do hereby solemnly affirm and declare as under:-

1. That the appellant/applicant is filing the accompanying appeal in this Hon’ble court which is likely to succeed as per grounds taken therein and the same way kindly be read as part of this application.

2. That the respondent was facing trial in case FIR No.\_\_\_\_ dated\_\_\_\_\_ U/s \_\_\_\_\_ IPC registered at PS\_\_\_\_. The respondent was tried by the Ld. \_\_\_\_\_and the respondent was wrongly acquitted by the Ld. \_\_\_\_\_without appreciating the facts on record and evidence led by the prosecution and has passed the order of acquittal on conjectures and surmises.

3. That the balance of convenience is also in the favor of the deponent and if the leave to appeal is not granted to the deponent then he will suffer irreparable loss which cannot be compensated in any manner.

Place: Chandigarh

Date:

Deponent

VERIFICATION:

Verified that the contents of my above affidavit are true and correct to the best of my knowledge and no part of it is false and nothing has been concealed therein.

Place: Chandigarh

Date:

Deponent

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH**

Criminal Appeal \_\_\_\_\_ of 2018

**Memo of parties**

(Name of the Appellant) (Father's name), (age), (Residence)

.....Appellant

Versus

Name of Respondents

.....Respondents

Chandigarh

Dated:

Applicant/ Appellant

Through Counsel

### **Grounds of Appeal**

1. That the impugned judgment and order dated \_\_\_\_\_ passed by \_\_\_\_\_ Ld. \_\_\_\_\_ whereby acquitted the accused namely \_\_\_ from the charge U/s \_\_\_, IPC is illegal, void and contrary to the facts proved on record. The findings are the result of manifest illegality and irregularities and as such impugned judgment and order is liable to be set aside. The ld. Lower Court (JMJC) Acquitted the accused U/s \_\_\_ IPC, but convicted the accused U/s \_\_\_ IPC only. While the Ld \_\_\_\_\_, \_\_\_\_\_ acquitted the accused U/s \_\_\_ IPC on absurd and irrelevant grounds.

2. That the present appeal against acquittal is preferred by Appellant as the acquittal order is passed illegally and a new case has been made out in favor of Respondent, otherwise as per the facts and record no such ground was made out in favor of the accused.

3. That the ld. \_\_\_\_\_ overlooked the fact that, in para no. 10 of the judgment of ld. \_\_\_\_\_ itself mentioned that the demised property/ house has been sold by the accused to the third person on dated \_\_\_\_\_, which establishes the guilty intention of the accused. Also the ld. \_\_\_\_\_ overlooked and ignored that there is no Defence Evidence during the trial.

4. That the Ld \_\_\_\_\_ passed the finding against the Appellant on the ground that the FIR has been lodged or the complaint has been filed in the year \_\_\_\_\_ i.e. after 3 or 4 years of inordinate delay and overlooked the

lawful findings given by the Ld. Lower Court. It was held by the Id. Lower court” \_\_\_\_\_.”.

5. That the Id \_\_\_\_\_ adopted the pick and choose policy and ignored the fact that the selling of the demised property of the house in question by the accused to someone else has come to the knowledge of the Appellant/ Complainant only when the Appellant had gone to the Patwari for entry purpose in the month of \_\_\_\_\_, when status quo was passed by the Id. Civil Court in favor of the Appellant. Thereafter, the Appellant immediately reported the matter to the police and when the police has not taken any action then the complaint u/s 156 (3) was filed, which depicts that there was no inordinate delay on the part of the Appellant but the Ld \_\_\_\_\_ ignored this relevant point.

6. That the Ld \_\_\_\_\_ given the finding that the matter is of civil nature overlooking the fact the accused/ Respondent has not reached at the office of \_\_\_\_\_ on \_\_\_\_\_ to execute the sale deed in favour of Appellant and also sold the property to the third party in the year\_\_\_\_\_, which itself covers the ingredients of section \_\_\_\_IPC against the Respondent.

7. That the prosecution witness \_\_\_\_\_ as PW\_\_ has executed his statement before the court and the relevant part of the same is extracted below for the kind consideration of this Hon’ble Court: “ \_\_\_\_\_”.

8. The Id. \_\_\_\_\_ also overlooked that the accused at the time of execution of agreement to sell dated \_\_\_\_\_ have given all the original papers i.e. Original Sale Deed of demised property in favor of \_\_\_\_\_ and



Original GPA tot the complainant, So dishonest intention in selling of the property to third person as well as entering into agreement to sell with the Appellant and non-execution of the sale deed in favor of the Appellant is itself proved beyond reasonable doubt..

It is therefore, respectfully prayed that the present appeal may kindly be allowed and judgment and order dated\_\_\_\_\_ passed by Id. \_\_\_\_\_, may kindly be set aside and respondent may kindly be convicted, in the interest of justice.

And

Any other appropriate order deems fit to pass by this Hon'ble Court, in the interest of justice.

Chandigarh  
Dated:

Appellant

Through Counsel