

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 14273 of 2015.
Date of Decision : 05.05.2015.

Rajesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Roopak Bansal, Advocate for the petitioner.

Tejinder Singh Dhindsa, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. assailing the order dated 06.04.2015 (Annexure P-4) passed by the learned Additional Sessions Judge, Palwal, in terms of which, a revision preferred by the petitioner against order dated 27.01.2015 (Annexure P-3) passed by the learned Chief Judicial Magistrate, Palwal had been dismissed. Suffice it to notice that vide order dated 27.01.2015, the learned Chief Judicial Magistrate, Palwal had declined the prayer of the present petitioner/accused for conduct of re-medical examination of injured Alisher.

Learned counsel appearing for the petitioner would place heavy reliance on a complaint dated 08.11.2014 made by Medical Officer, Civil Hospital, Palwal and placed on record at Annexure P-2 and which was directed against Advocate Sher Mohd. i.e. brother of the injured Alisher. It is contended that the offence under Section 307 IPC has been cited on the basis of a medicolegal report that was obtained under threat as would be apparent from the complaint dated

08.11.2014 at Annexure P-2. It is further submitted that the alleged occurrence is also of the same very date i.e. 08.11.2014. Further argument has been raised that the injured was thereafter even examined in a private hospital and the MLR therefrom can only be stated to be procured and to the prejudice of the present petitioner.

Learned counsel for the petitioner has been heard.

A perusal of the order dated 06.04.2015 passed by the learned Additional Sessions Judge, Palwal at Annexure P-4 would reveal that after the initial medical examination of injured Alisher on the date of alleged occurrence i.e. 08.11.2014 at Civil Hospital, Palwal and even after the opinion rendered by the Doctor of a private hospital, a medical board under the orders of Chief Medical Officer, Palwal had been constituted and it is upon opinion having been given by such duly constituted Board of Doctors that the offence under Section 307 IPC has been cited.

There would be no reason to disbelieve the opinion of a Board of Doctors constituted under the orders of Chief Medical Officer, Palwal. Such opinion cannot be stated to be manipulated or fabricated. The order dated 06.04.2015 passed by the learned Additional Sessions Judge, Palwal dismissing the revision preferred by the petitioner has been passed on cogent and valid reasoning.

In the considered view of this Court, the same does not warrant any interference.

Petition is dismissed.

May 05, 2015.
kanchan

(TEJINDER SINGH DHINDSA)
JUDGE