

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Revision No.1999 of 2005

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Date of decision:2.9.2015

Balwinder Kaur

...Petitioner

v.

State of Punjab and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. A.S. Gulati, Advocate for the petitioner.

Mr. B.S. Bhullar, Assistant Advocate General, Punjab
for the respondent-State.

Mr. F.S. Virk, Advocate for respondent No.2.

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Inderjit Singh, J.

This criminal revision petition has been filed under Section 401 Cr.P.C. challenging the impugned judgment dated 7.4.2005 passed by learned Judicial Magistrate Ist Class, Ludhiana, whereby the accused has been acquitted of the charges framed against them.

The criminal revision petition was admitted. Notice was given to the respondents. Mr. B.S. Bhullar, learned Assistant Advocate General, Punjab has put in appearance on behalf of respondent-State and Mr. F.S. Virk, learned Advocate has appeared on behalf of respondent No.2.

During the pendency of the revision petition, Atma Singh

respondent No.3 is stated to have died. Today, when this revision petition was taken up for arguments, learned counsel for the revision petitioner submitted that the parties have already effected a compromise and the petitioner does not want to take any action in this revision petition.

This is a revision petition and in the revision petition, the petitioner is only to show as to what illegality has been committed by the learned trial Court.

Learned counsel for the petitioner has not argued anything on merit and has not pointed out any illegality in the judgment passed by the Court below. Otherwise also, a perusal of the judgment dated 7.4.2005 passed by the learned Judicial Magistrate Ist Class, Ludhiana, shows that from the medical evidence no grievous bone injury was found on the person of the injured. The learned Judicial Magistrate has discussed that after the examination by the Medical Board, no grievous injury was found. The Court also discussed the unexplained delay of 53 hours in recording the FIR. The Court also did not believe the statements of the doctor as well as the Investigating Officer. The Court also discussed the fact that there is no cogent evidence on record to explain this delay.

Therefore, keeping in view the above facts and circumstances, I do not find any merit in this criminal revision petition and the same is dismissed.

September 2, 2015.

(Inderjit Singh)
Judge

hsp