

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 196 of 2007 (O&M)
Date of decision : August 28, 2015

Sat Narain and others,

..... Petitioners

v.

State of Haryana,

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. NS Shekhawat, Advocate
for the petitioners.

Ms. Tanushree Gupta, DAG Haryana

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

Ajay Tewari, J (Oral)

This revision has been directed against the concurrent conviction of the petitioner under Sections 323/342/506 of the IPC.

Brief facts are that on 17.6.1998 at about 6.30 pm the complainant was going to her Nohra and when she reached in front of the house of Rattan Singh, the accused persons abused her and gave beatings to her. All the accused were sent up for trial and the trial Court convicted the petitioners under Sections 323/342/506 of the IPC and sentenced them to undergo RI for six months each under Section 323 of the IPC and to pay a fine of ₹ 500/- each , in default of payment of fine to undergo further RI for 1 month each; to undergo RI for six months each under Section 342 of the

IPC and to pay a fine of ₹ 500/- each , in default of payment of fine to undergo further RI for 1 month each, and to undergo RI for six months each under Section 506 of the IPC and to pay a fine of ₹ 500/- each , in default of payment of fine to undergo further RI for 1 month each. All the sentences were ordered to run concurrently. The petitioners filed an appeal where the conviction was upheld but sentenced was reduced and they were released on probation.

Counsel for the petitioners has argued that it is a case of acquittal because the enmity of the petitioners' family with the eye witness has come on record and that there is no medical evidence to corroborate the allegations of beatings.

Learned DAG Haryana, on the other hand, has argued that in a case of simple hurt, medical evidence is not required because many times there would be no medical evidence. She has relied upon the decision in Raj Kumar v. State of Haryana, 1996(1) RCR (Criminal) 703 in this regard. As regards the animosity in which the prosecution witness had with the family of the petitioners, it is her contention that even if this is accepted, the petitioners have not been able to establish any enmity between them and the complainant or her son. As per her, there is no reason to discard the testimony of the complainant and her son since they had no enmity with the petitioners and had no reason to falsely implicate them in the matter.

I find weight in the arguments raised by counsel for the respondent. These facts have been considered by both the Courts below who have found the testimony of the complainant and her son to be creditworthy, and have on the strength thereof held the petitioners guilty.

Counsel for the petitioners has not been able to point out any perversity in the appreciation of evidence. As regards the sentence, the lower appellate Court has already granted the benefit of probation to the petitioners. Consequently, this revision petition is dismissed.

August 28, 2015
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(AJAY TEWARI)
JUDGE