

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Crl. Misc. No. M-37788 of 2015
Date of Decision: 05.11.2015.**

Ravinder Kumar

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Namit Khurana, Advocate
for the petitioner.

.....

SABINA, J.

Petitioner has filed this petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.' for short) challenging the orders dated 7.8.2014 (Annexure P-3) and 20.7.2015 (Annexure P-4).

Learned counsel for the petitioner has submitted that as per the FIR, respondent No. 2 was present at the spot armed with a *gandasi*. All the accused had inflicted injuries on the person of the complainant with their respective weapons. To the similar effect was the statement of the complainant before the Trial Court.

In the present case, petitioner had named six persons as accused and as per the complainant, all the six persons, who were armed with weapons, had inflicted injuries on his person. After completion of investigation and necessary formalities, challan was presented against accused Sikander, Manish Kumar,

Chetan and Ashok Kumar. So far as accused Virender Kumar Ghai and Ashish Kumar are concerned, they were kept in column No. 2 as they were found innocent during investigation.

During the pendency of the trial, prosecution moved an application under Section 319 Cr.P.C. for summoning accused Ashish Kumar and Virender Kumar Ghai as additional accused. Vide order dated 7.8.2014 (Annexure P-3), the Trial Court partly allowed the application and ordered the summoning of accused Virender Kumar Ghai to face the trial as an additional accused. However, so far as respondent No. 2 Ashish Kumar is concerned, the application was dismissed. Aggrieved against the said order, petitioner preferred a revision petition and the same was dismissed by the Court of Revision vide order dated 20.7.2015 (Annexure P-4). Hence, the present petition by the petitioner.

The Courts below while dismissing the application under Section 319 Cr.P.C. qua respondent No. 2 held that as per the prosecution case, respondent No. 2 was armed with a *gandasi*. However, as per the medico-legal report of the complainant, there was no injury on his person with a sharp edged weapon. Thus, the Courts below rightly held that there was not sufficient material on record to order the summoning of respondent No. 2 to face the trial as additional accused as the ocular version was not *prima facie* corroborated with medical evidence. The reasons given by the Courts below while dismissing the application under Section 319 Cr.P.C. qua respondent No. 2 are sound reasons.

It is a settled proposition of law that the petitioner

cannot invoke jurisdiction of this Court under Section 482 Cr.P.C. after dismissal of his revision by the Sessions Court as it would amount to a second revision. However, in a case of grave injustice, this Court can interfere under Section 482 Cr.P.C.

In the present case, no grave miscarriage of justice has occurred which would warrant interference by this Court under Section 482 Cr.P.C.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

November 05, 2015
Gurpreet