

114 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No.M-44038 of 2014

Date of Decision: February 04, 2015

Om Parkash

.... Petitioner

vs.

Roshni Devi and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Parminder Singh, Advocate for the petitioner.

- 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?*

Kuldip Singh J.(Oral)

Challenged in the present petition filed under Section 482 of the Code of Criminal Procedure, 1973, is the order dated 22.10.2014 (Annexure P-5) passed by learned Addl. Sessions Judge, Karnal, whereby the order dated 16.09.2009 (Annexure P-1) passed by Judicial Magistrate 1st Class, Karnal, summoning only accused Nos.5, 11 and 12, was upheld.

A perusal of the summoning order dated 16.09.2009 (Annexure P-1) passed by learned Judicial Magistrate 1st Class, Karnal shows that there were only five injuries, which were simple in nature. These were contusions. Learned Magistrate decided to summon the three accused, whose injuries are corroborated by the medical record. It was observed that 18 persons could not caused

these injuries. There was no injury of running over by the tractor.

The said order was subsequently challenged in revision and was set aside by the learned Addl. Sessions Judge, Karnal, vide order dated 10.05.2010 (Annexure P-2), and Judicial Magistrate 1st Class, Karnal was directed to decide the case afresh on which the learned Magistrate summoned all the accused vide order dated 03.01.2012 (Annexure P-3).

However, the order of revisional court passed earlier was challenged before this Court. This Court vide order dated 28.02.2014 passed in CRM-M No.3355 of 2012 (Annexure P-4) directed the revisional court to hear the accused before passing the summoning order.

In pursuant to the said order, the impugned order has been passed. I am of the view that there is no illegality or infirmity in the order passed by the trial court as well as by the revisional court. This petition is nothing but the revision against the revision. No interference on the law point as well as on merits is called for.

Hence, dismissed.

February 04, 2015
sarita

(KULDIP SINGH)
JUDGE