

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

CRL. REVISION No.2219 OF 2014 (O&M)
DATE OF DECISION : 5th MAY, 2015

Balkishan & others

.... Petitioners

Versus

State of Haryana & another

.... Respondents

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

* * * *

Present : Mr. Mohammad Arshad, Advocate for the petitioner.

Mr. P.S. Sullar, Assistant Advocate General, Haryana.

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SURINDER GUPTA, J. (ORAL)

Heard.

This is a revision petition against order dated 14.05.2014 passed by Sessions Judge, Gurgaon whereby judgment of the trial Court dated 18.08.2012, acquitting the revision petitioner, was set aside.

Learned counsel for the revision petitioners has argued that the trial Court while acquitting the accused has noted that the prosecution has failed to conclude evidence despite grant of more than thirty opportunities and this fact was not looked into by the Court of revision while setting aside the judgment of acquittal.

On perusal of the order passed by the appellate Court it transpires that on several occasions, as noted in the order, i.e. on 06.12.2011, 20.12.2011, 10.01.2012, 18.01.2012 and 24.01.2012 the complainant and his witnesses have been appearing. Even at later stage

complainant and his witnesses have been regularly appearing but their statement was not recorded. This fact that complainant and his witnesses had been appearing before the trial Court but have gone unexamined was not challenged before the appellate Court.

The conclusion drawn by the Court of appeal was based on fact recorded on lower Court's record and suffers from no illegality or infirmity calling for any intervention in this revision, which, sans any merit, as such is dismissed.

5th May, 2015
'raj'

(SURINDER GUPTA)
JUDGE