

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. 2471 of 2014 (O&M)
Date of Decision : 21.04.2015

Randhir Singh @ Dheera

.....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

1. *Whether Reporters of the local papers 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?*

Present: Mr. Virender Singh Punia, Advocate
for the petitioner.

R.P. Nagrath, J.

The petitioner-complainant had failed in his attempt to assail the punishment awarded to the convicts as modified by the appellate court in CRR No. 2027 of 2014. Strangely enough, the petitioner has made the same prayer in the instant petition apart from challenging the acquittal of respondents no. 6 to 8 as concurrently recorded by the courts below. This kind of conduct of the petitioner-complainant has to be seriously deprecated.

I have heard learned counsel for the petitioner and perused judgments of both the courts below and also the file of CRR No. 2027 of 2014 decided by a coordinate Bench of this Court on 25.09.2014.

The instant revision arises from judgments of the courts below in FIR No. 41 dated 24.05.2004, for offence under Sections

323, 325, 452 and 34 of the Indian Penal Code (IPC). The incident took place on 17.05.2004 because of the fall of some bricks of the common wall while children of the petitioner-complainant were playing. The accused person got annoyed with the said incident.

In CRR No. 2027 of 2014, prayer was made for setting aside the judgment of lower appellate court in so far as it directed the release of accused persons on probation and award of inadequate sentence to accused-respondents no. 2 to 5. The trial court awarded the sentence to respondents no. 2 to 5 to undergo simple imprisonment for one year and to pay fine of ₹ 500/- each under Section 325 read with Section 34 IPC with the default clause of non-payment of the fine. The appellate court affirmed the conviction but ordered the release of respondents no. 2 to 5 on probation on executing bonds of good conduct for a period of one year but also awarded costs of litigation out of which certain amount was to be paid to the injured persons. That revision was drafted on 19.03.2014 but presented as per index on 07.07.2014. The instant revision was filed on 01.07.2014 but prepared on the same date i.e. 19.03.2014.

The prayer has again been made for acceptance of the revision for setting aside the order of appellate court, releasing respondents no. 2 to 5 on probation on the ground that inadequate sentence was passed and also seeking to challenge the order of acquittal of respondents no. 6 to 8. No doubt, learned counsel for the petitioner confined his arguments only qua the challenge to acquittal of respondents no. 6 to 8 but the aforesaid circumstances would

incline me to take serious view about setting up exactly the similar prayer made in both the revisions. CRR No. 2027 of 2014 was dismissed by a coordinate Bench of this Court with the observations that learned appellate court has rightly exercised the discretion in releasing respondents no. 2 to 5 on probation.

Coming to the core issue, I find that the courts below have properly analyzed the evidence and there is nothing to say that any material available on record was ignored or that the evidence has been misinterpreted. The story of prosecution is that after injuries were inflicted by use of certain weapons by respondents no. 2 to 5, there was also an exchange of brickbats. Regarding rest of the accused persons, the version of the petitioner-complainant in the FIR was that in the meantime four outsiders including Baljeet Singh son of Rattnu resident of village Nakipura, the nephew of Zile Singh also came there. Learned appellate court observed that role attributed to respondents no. 6 to 8 and Amarjeet, who was a proclaimed offender was not specific nor their names were mentioned in the FIR. It was observed that these respondents have been implicated just to harass or to involve maximum number of the family members of accused party. It was observed further that allegations against these respondents are not sufficient for conviction as the petitioner-complainant knew the private respondents no. 6 to 8 even earlier but did not mention their names in the complaint. This fact of the petitioner-complainant already knowing respondents no. 6 to 8 earlier was admitted by the petitioner-complainant in his cross-examination.

Therefore, the case against these respondents was found to be doubtful and acquittal recorded by the trial Court was upheld.

It is a settled principle that this Court in exercise of revisional jurisdiction would not lightly interfere in the findings of fact unless it is shown that the finding is perverse or reached by misinterpreting the evidence. No such case has been made out.

No merit in the instant revision and the same is dismissed.

Since the main revision has been dismissed on merits, there is no need to separately deal with the application for condonation of 170 days of delay in filing the instant revision.

April 21, 2015
jk

(R.P. NAGRATH)
JUDGE