

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
2015.01.21 11:20
I attest to the accuracy and
authenticity of this document

CRR No. 3713 of 2014 (O/M)

Date of decision : 15.1.2015

Bhagwan Devi

..... Petitioner

Versus

Ram Chander and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Jatin Hans, Advocate, for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Revisionist has filed this revision against the judgment dated 13.8.2014, passed by the learned Additional Sessions Judge, Bhiwani, vide which the appeal filed by the accused was accepted and they were acquitted of the offences punishable under Sections 323 read with Section 34 and 506 read with Section 34 IPC.

The brief controversy is that the present revisionist filed a criminal complaint alleging that on 21.3.2003, at about 1:30 PM, accused No. 1 and 2 (respondents No. 1 and 2 herein) gave beatings to the complainant and accused No. 3 (respondent No. 3 herein) extended threat upon her. When her son intervened, he was also beaten up and threatened.

Learned counsel for the revisionist has argued that the accused were rightly convicted by the trial Court and the appellate Court was not justified in interfering with the judgment and order of conviction dated 5/7.2.2011, passed by the learned Chief Judicial Magistrate, Bhiwani.

I am of the view that in the present case, there is no medico legal report to show that the complainant and his son had infact received the injuries. It is not pressed before the trial Court that there was no visible mark of injury on their bodies, and, therefore, no medical examination of injured was done. Learned Additional Sessions Judge has also taken into consideration the fact that there were some improvements. Keeping in view the fact that their statements are not corroborated by the medical legal evidence, I am of the view that it is not safe to rely upon the ocular testimony only. The learned Additional Sessions Judge, Bhiwani, has taken one of two possible views and there is nothing to show that the view taken by him is illegal or perverse. Hence, there is no ground to interfere with the judgment of acquittal dated 13.8.2014, passed by the learned Additional Sessions Judge, Bhiwani.

Hence, dismissed.

(KULDIP SINGH)
JUDGE

15.1.2015
sjks