

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.33502 of 2015
and
Criminal Revision No.3850 of 2015 (O&M)

.....

Date of decision:9.10.2015

Amarjit Singh

...Petitioner

v.

State of Punjab

Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Kamaldip Singh Sidhu, Advocate for the petitioner.

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Inderjit Singh, J.

Cr. Misc. No.33502 of 2015:

For the averments made in the criminal miscellaneous application, certified copies of the impugned judgment and order of sentence dated 4.7.2014 are permitted to be taken on record. Further exemption for filing the true typed copies of the above judgment and order and exemption for filing the certified copy of the ground of appeal is allowed subject to all just exceptions.

The criminal miscellaneous application stands disposed of.

Cr. Rev. No.3850 of 2015 (O&M):

The petitioner has filed this criminal revision petition under Section 401 Cr.P.C. challenging the impugned judgment dated 17.8.2015 passed by the learned Additional Sessions Judge, Moga dismissing the appeal filed against the judgment of conviction and the order of sentence dated 4.7.2014 passed by the learned Sub Divisional Judicial Magistrate, Nihal Singh Wala, vide which the revision petitioner has been convicted for the offences under Sections 324, 332, 353 and 379 IPC, however, he has been acquitted for the offence under 186 IPC. The revision petitioner has been sentenced to undergo rigorous imprisonment for two years and to pay fine of ₹500/- and in default of payment of fine to further undergo imprisonment for seven days each for the offences under Sections 324 and 332 IPC. He has also been sentenced to undergo rigorous imprisonment for one year and to pay fine of ₹500/- and in default of payment of fine to further undergo imprisonment for seven days each for the offences under Sections 353 and 379 IPC. All the sentences have been ordered to run concurrently.

I have heard learned counsel for the petitioner and have gone through the record.

At the time of arguments, learned counsel for the petitioner argued that the contractor or his employee has not been examined by the prosecution. No independent witness has been examined. No DDR has been proved to show that the Police officials were on patrol duty and no

identification parade was got conducted to identify the accused. From the perusal of the record, especially, the judgments passed by the Courts below, I find that the findings given by the Courts below are correct and as per law.

As per the prosecution version, the Police officials HC Nirbhai Singh-complainant and HC Shamsher Singh were on patrol duty on 4.7.2009 and they received information that Amarjit Singh son of Bhanga Singh had abused the contractor of liquor vend and he had even tried to terrorize him by visiting the liquor vend along with others while armed with weapons. In the meantime, Amarjit Singh along with two other unidentified persons came there. Complainant and HC Shamsher Singh directed them to return to their houses and not to terrorize the contractor. They further intimated them that they were on law and order duty. At this, Amarjit Singh raised 'Lalkara' and gave blow with his 'kirch' on right wrist of the complainant-Head Constable Nirbhai Singh. HC Shamsher Singh tried to rescue the complainant and then Amarjit Singh gave blow of 'kirch' on his left elbow. At the instance of Amarjit Singh those unidentified persons gave blows with their sticks. Amarjit Singh also tore uniform of the complainant. It is also the case that Amarjit Singh also took wallet containing ₹770/- and identity card.

On the basis of the evidence produced before the trial Court, the learned Sub Divisional Judicial Magistrate, Nihal Singh Wala, found that oral statements are duly supported by medical evidence and has not found any material contradiction or improbability and found that the case has been duly proved. The present case is a revision petition and in the

revision petition, the Court is not to re-appreciate the evidence like the Court of appeal. The Court is to see whether the order passed by the learned Court below is illegal, perverse or some material evidence has not been discussed or the evidence has not been discussed in the right perspective. After going through the record especially the judgments passed by the Courts below, I find that no illegality has been committed by the Courts below. Learned counsel for the petitioner has not pointed out anything which material evidence has not been considered and discussed in the right perspective or which material evidence has been misread by the Courts below. No enmity or motive of the Police officials to falsely implicate the accused has been alleged and proved by the accused. There is nothing on the record as to why the Police officials will depose falsely against the accused-revision petitioner. The mere fact that the Contractor was not examined or DDR regarding patrolling has not been placed on record are no grounds to accept the revision petition. There is no dispute regarding the identity of the accused. The information was by name with the Police officials and the present petitioner met the Police officials in the way and revision petitioner gave the injuries to them.

Learned counsel for the petitioner also argued that in the alternative, the sentence imposed upon the petitioner be reduced.

Keeping in view the facts and circumstances of the present case, I do not find any reason or ground to reduce the sentence.

Therefore, from the above, I find that no illegality has been committed by the Courts below while passing the impugned judgments. The judgments passed by the Courts below are correct and as per law which do not require any interference from this Court and the same are upheld.

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Therefore, finding no merit in the criminal revision petition, the same is dismissed.

October 9, 2015.

(Inderjit Singh)

Judge

hsp