

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.3891 of 2014

Date of Decision: January 20, 2015

Surjit Kaur

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.D.S.Gandhi, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this revision petition under Section 401 Cr.P.C. against State of Punjab and Kartar Singh respondents challenging the judgment dated 19.07.2014 passed by learned Addl. Sessions Judge, Amritsar.

It is mainly stated in the petition that through the present petition, petitioner seeks to challenge the impugned judgment of acquittal dated 11.01.2013 passed by learned Judicial Magistrate Ist Class, Amritsar and impugned judgment dated 19.07.2014 passed by learned Addl. Sessions Judge, Amritsar upholding the judgment dated 11.01.2013. It is further stated that learned trial Court failed to appreciate that DIG Border Range took cognizance and marked enquiry to SSP, Majitha.

I have heard learned counsel for the petitioner and have

gone through the record.

In this case, firstly, learned JMIC, Amritsar acquitted the accused-respondent No.2 of the charges framed against him. Then appeal was filed by the present petitioner and learned Addl. Sessions Judge, Amritsar dismissed the appeal. Now, the revision petition has been filed.

From the record, I find that both the Courts below consistently gave findings of acquittal in favour of private respondent No.2. It is a revision petition and in the revision petition, this Court is not to re-appreciate the evidence like Court of an appeal. This Court is only to see whether any illegality has been committed by the Courts below or the judgments are perverse or against the evidence or some material evidence has been misread or left by the Courts below. In the present case, nothing has been pointed as to how the judgments are illegal or which material evidence has not been appreciated properly or which material has been left by the Courts below.

At the time of arguments, learned counsel for the petitioner argued that Investigating Officer has not got compared the thumb impression in this case but on the enquiry made by this Court, the counsel reply that no application under Section 311 Cr.P.C. has been filed before the learned Magistrate to get the thumb impression compared. Similarly, no application under Section 391 Cr.P.C. has been filed before learned Appellate Court. Even in the present revision petition, there is no such application filed for leading any additional evidence. Rather, the only argument of learned counsel for

the petitioner is that a direction be given to get compared thumb impression in this case, which is material for just decision of the case.

So, keeping in view the facts and circumstances of present case, I find that no illegality has been pointed out nor anything is shown to prove that the impugned judgments are perverse or any material evidence has been misread or left by the Courts below.

In view of the above discussion, I find that the impugned judgments and order passed by the Courts below are correct, as per law and do not require any interference from this Court.

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

January 20, 2015
Vgulati

(INDERJIT SINGH)
JUDGE