

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

**Criminal Revision No. 4006 of 2015
Date of Decision:- 19.10.2015**

Parveen

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

**Present: Mr. Shilak Ram Hooda, Advocate
for the petitioner.**

SHEKHER DHAWAN, J.

Present petition against judgment dated 15.09.2015 passed by Additional Sessions Judge, Sonipat, whereby the appeal against judgment of conviction dated 14.08.2012 and order of sentence dated 21.08.2012, passed by Judicial Magistrate,, 1st Class, Sonipat, was dismissed.

2. Relevant facts of the case that on 15.07.2008 at about 11.40 P.M., Parveen-revisionist and Satpal attacked the complainant while he was sleeping outside the *Khoka* on a *charpai*. Parveen caused injuries to the complainant with a knife. On raising alarm neighbours reached the spot and accused persons fled away. Injured taken to the hospital. Both the accused were tried and charge was framed under Sections 324, 326, 34 IPC and Section 25 of the Arms Act, which accused pleaded not guilty.

3. Prosecution examined all the material witnesses including complainant/injured and medical officer, accused were examined under

Section 313 Cr.P.C. and after considering the prosecution evidence and defence version, learned trial magistrate held revisionist guilty and convicted him under Sections 324, 326 IPC and Section 25 of the Arms Act and sentenced as under: -

<i>Name of accused</i>	<i>Under Section</i>	<i>Sentence</i>
Parveen	324 IPC	Simple imprisonment for one year
	326 IPC	Simple imprisonment for three years
	25 Arms Act	Simple imprisonment for one year

4. Appeal preferred against the said judgment was dismissed by Additional Sessions Judge, Sonipat.

5. Learned counsel for the revisionist mainly submitted that Courts below have not appreciated the evidence and material available on file properly. Sole eye witness Sohan Lal, who appeared as PW-1 has not supported the prosecution case and the conviction was based upon sole statement of complainant Satish, who appeared as PW-8. In the absence of any corroboration to the testimony of PW-8, the conviction cannot be based upon his statement alone.

6. Learned counsel for the revisionist also submitted that even the site plan was not proved. Plea was also taken that even offence under Section 326 IPC is not made out because there was no opinion regarding nature of injuries Nos.1 and 2 to be of fracture injury. No radiological and pathological investigation was done. Both the Courts below completely ignored these facts. So, the revision petition be accepted.

7. While arguing on the point of order of sentence, learned counsel for the revisionist submitted that sentence awarded is on the higher

side and revisionist be released on probation.

8. Having considered the submissions made by learned counsel for the revisionist, this Court is of the considered view that the Courts below considered and appreciated the evidence available on file, which includes statement of Satish injured/complainant (PW8), who had made categorical deposition against revisionist-Parveen that he had caused injuries to him with a knife. There is no dispute about identification of accused. The ocular testimony is corroborated by medical evidence by way of statement of PW-3 Dr. Brijveer Singh. As per medical evidence there were eight injuries on the body of complainant and all the injuries were with sharp edged weapon. As per medical opinion, two injuries were grievous in nature. Undisputedly Sohan Lal (PW-1) had not supported the testimony of prosecution and turned hostile. However, the Courts below rightly placed reliance upon testimony of Satish (PW-8) and recorded observations that there was no reason for complainant/injured to depose falsely against the present revisionist while allowing the real culprit to go scot free. The matter was reported to the police immediately after the occurrence. The medical examination was also got done on the same day. The ocular testimony and medical evidence are in complete agreement. There is nothing to disbelieve the testimony of injured as well of medical evidence. Investigation carried out on the basis of testimony of official witnesses, who have deposed accordingly before the Courts below. More so, both the Courts below appreciated the evidence. There is no illegality or perversity calling for interference by way of present revision petition.

9. As regards to order of sentence, the Courts below have already

taken the most reasonable view and awarded sentence of three years for commission of offence punishable under Section 326 IPC and one year for commission of offence under Section 25 of the Arms Act.

10. In view of the above, there is no illegality much less perversity calling for interference by this Court in the the well reasoned judgments passed by the Courts below. The present revision petition lacks merit and is dismissed in *limine*.

October 19, 2015
naresh.k

(**SHEKHER DHAWAN**)
JUDGE