

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

**Crl. Revision No. 969 of 2015
Date of Decision: 19.11.2015.**

Shyam Sunder

.....Petitioner

Vs.

Ganga Lal and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. J.S.Hooda, Advocate
for the petitioner.

Mr. Bijender Dhankar, Advocate
for respondents No. 1 to 3.

Ms. Dimple Jain, AAG, Haryana.

.....

SABINA, J.

Petitioner has filed this petition under Section 401 of the Code of Criminal Procedure, 1973 challenging the order dated 9.1.2015 whereby it was held that no offence under Section 333 of the Indian Penal Code, 1860 ('IPC' for short) was made out.

Learned counsel for the petitioner has submitted that petitioner was a government employee and had been inflicted injuries by the accused while he was on duty. Charge under Section 333 IPC was liable to be framed against the accused.

Learned counsel for respondents No. 1 to 3, on the other hand, has opposed the petition and has submitted that the injuries suffered by the petitioner were simple in nature.

Section 333 IPC reads as under:-

Voluntarily causing grievous hurt to deter public

servant from his duty-

“Whoever voluntarily causes grievous hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”

The Court of Sessions while remitting the case to the Magistrate for trial vide the impugned order held that no offence under Section 333 IPC was made out against the accused. Learned Additional Sessions Judge has taken in consideration the opinions of the doctors. As per the opinion of Dr. Manisha, injury No. 2 could have been grievous if not treated on time. The said injury was opined to be not dangerous to life. Qua the same injury, Dr. Divakar also gave opinion that injury No. 2 could have been grievous if not treated on time and had been caused by a blunt weapon.

Thus, there was no medical opinion to the effect that injury No. 2 on the person of the petitioner was grievous in nature. Rather, the injury could have been grievous in nature if it had not been treated on time. Hence, the learned Additional Sessions Judge had rightly held that no offence under Section 333 IPC can be said to have been made out against the accused.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

November 19, 2015
Gurpreet