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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 179/2015**
STATE (GOVT OF NCT OF DELHI)

..... Petitioner

Through: Mr. Raghuwinder Varma, APP for the
State
SI Sudhir Sharma & ASI Jawahar, PS
Sunlight Colony

versus

VINOD & ORS

..... Respondent

Through: Mr. Rajesh Pandey, Adv.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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29.10.2015

Heard Mr. Raghuwinder Varma, learned advocate for the State and Mr. Rajesh Pandey, learned advocate for the respondent.

The State is aggrieved by the order dated 30.1.2015 passed by the learned Additional Sessions Judge-04 & Special Judge (NDPS) in connection with Sessions Case No.69/2012, arising out of FIR No.319/2012, whereby the respondents have been charged only with the offences under Sections 341, 323, 506 and 34 of the IPC and not for the offences under Sections 308 and 325 of the IPC.

The records disclose that the respondents had assaulted the complainant, Love Thakur and his friend Ravi Saini by means of *danda*. The MLC of Love Thakur discloses that the injuries suffered by him were simple in nature and caused by hands blunt substance. A panel of doctors

opined one injury on the person of the complainant as grievous as such injury had left a permanent scar on his forehead. Ravi Saini, an associate of the complainant, received injuries only in the nature of swelling and abrasion on a particular portion of the body.

The learned Trial Court though discarded the submission of the respondents that in the event of non-recovery of *danda*, no offence can at all said to have been made out; but on consideration of the nature of accusation and the injuries suffered by the informant and his associate, came to the conclusion that no offence under Section 308 or 325 of the IPC was made out.

Mr. Raghuvinder Varma, learned APP submits that the intention of respondents can be seen, loud and clear, that they wanted to assault and cause grievous injuries to the complainant and his associate.

There is no material on record to suggest any such intention.

This Court is not inclined to interfere with the order passed by the Court below as no good ground has been made out by the petitioner/State for interfering with the aforesaid order.

The petition is misconceived and hereby dismissed.

ASHUTOSH KUMAR, J

OCTOBER 29, 2015

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