

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-A-1440-MA-2015 (O&M)
Date of decision: April 07, 2016.

Ram Kishan and another

... **Petitioners**

v.

State of Haryana and others

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr. Ram Avtar Sheoran, Advocate for the petitioners.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *Whether to be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral):

CRM-27256-2015

For the reasons stated in the application, the same is allowed and the delay of 9 days in filing the petition for leave to appeal is condoned.

CRM-A-1440-MA-2015

Impugned in the present petition is the judgment dated 11.6.2015 passed by learned Judicial Magistrate First Class, Charkhi Dadri, District Bhiwani vide which the complaint filed by the complainant was dismissed.

Heard.

It comes out according to the version of the complainant that on 10.8.2009 at about 7/7.30 AM, he was assaulted by the accused. Accused Prahlad gave a danda blow on the right side of the chest of the complainant; Dinesh gave a danda blow on right side of his stomach; Rakesh gave an axe blow on the fore finger of his right hand; Kailash hit

him with a danda on the knee of right leg and Mahabir gave a danda blow on the right of his back. It also comes out that on the statement of the opposite party, an FIR was registered against the present complainant and the complainant had preferred a complaint as a cross version.

I have heard Learned Counsel for the petitioner.

It comes out that the examination of the injuries shows that the injuries on the person of both the complainants are complaints of pain, lacerated wound and abrasions on non-vital parts. In the cross case, accused Prahlad and Dinesh are stated to have suffered four fractures and 12 injuries to Prahlad, 10 injuries to Dinesh and therefore fresh bleeding was seen. The lower court has held that the allegations of the complainant are not supported by the medical evidence. No blood was oozing out from the injuries. There is a discrepancy whether the blood was oozing out from the injuries or not. As a counter blast to the FIR against the present complainants, the present complaint was filed.

After going through the nature of the injuries, I am of the view that in view of the cross case, possibilities of injuries being fabricated or self-suffered or caused with a friendly hand, cannot be ruled out. The alleged injuries were given with the help of danda blows by Prahlad and Dinesh. Even if danda blow is given it is likely to leave some mark of the injuries. Therefore, role of Prahlad and Dinesh is not corroborated by medical evidence. Rakesh is said to have given axe blow on the fore finger of the right hand of the complainant whereas only lacerated wound on the index finger was found which is unlikely to be caused by a heavy weapon like axe. The alleged injuries inflicted by Kailash and Mahabir are abrasions and contusions respectively and could be caused with friendly hand or could be self-suffered. In these circumstances, the lower court

took one of the two possible views after discussing the material on the file.

There is no illegality or perversity in the impugned judgment. Hence, the present application is dismissed.

April 07, 2016.
kadyan

[Kuldip Singh]
Judge