

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M 13760 of 2016 (O&M)

Date of decision: 25.04.2016

Pawan Kumar

.....Petitioner

versus

Vidya etc.

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

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

1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?

2. To be referred to the Reporters or not ?

3. Whether the judgment should be reported in the Digest?

Kuldip Singh, J. (Oral)

The petitioner has challenged the order dated 14.1.2016, passed by the learned Judicial Magistrate 1st Class, Gurgaon, vide which, his application under Section 319 Cr.P.C. to summon additional accused, namely, Smt.Vidya, Smt.Sheela and Smt.Murti was dismissed. Also challenged is the order dated 19.3.2016, passed by the learned Additional Sessions Judge, Gurgaon, whereby the revision filed by the petitioner was dismissed.

Heard.

It comes out that the allegations are that on account of running over a pet by the complainant, he was assaulted by nine accused who have been challaned. All the accused are stated to be armed with Lathi, Farsa, Jeli, sword and baseball bat. The allegations

against the ladies are that they along with co-accused, entered the house of the complainant but were pushed out and then they broke the windshield of Santro car of the complainant and also abused and broke the door of the house and mirror of the window and also gave threats.

After the investigation, the three ladies were found to be innocent. It is not denying fact that in this occurrence, only one injury was caused. Already nine persons have been challaned for the occurrence. The petitioner wants that these three ladies should also be tried on the allegations of entering the house, abusing and participating in breaking of window panes of the house of the complainant.

I am of the view that the matter has already been tested in the revisional Court. Keeping in view the circumstances of the case and the fact that there is only one injury despite the fact that the nine persons were fully armed, the lower Court was justified in refusing to summon the present respondents to face trial as additional accused.

The present petition stands dismissed accordingly.

25.04.2016
gk

(Kuldip Singh)
Judge