

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

**CRM No.M-13625 of 2014 (O&M)**

**Date of Decision: May 23, 2016**

Govind Lal alias Govind Ram and another

...Petitioners

VERSUS

State of Punjab and others

...Respondents

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

Present: Mr.A.K.Walia, Advocate  
for the petitioner.

Ms.Shivali, Asstt. Advocate General, Punjab  
for the respondent-State.

Mr.K.B.Raheja, Advocate  
for respondent No.3

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**INDERJIT SINGH, J.**

Petitioners have filed this petition under Section 482 Cr.P.C. against State of Punjab and other respondents for quashing of impugned order dated 07.06.2013 passed by learned Chief Judicial Magistrate, Bathinda, whereby application filed by the petitioners for re-examination of complaint by Board of Doctors was declined and also order dated 15.03.2014 passed by learned Addl. Sessions Judge, Bathinda, rejecting the revision petition filed by the petitioners.

Notice of motion was issued and learned State counsel as well as learned counsel for respondent No.3 appeared and contested the petition.

I have heard learned counsel for the parties as well as learned

State counsel and have gone through the record.

From the record, I find that earlier an application was filed by learned Addl. Public Prosecutor, in which it is stated that doctors at Civil Hospital examined injured on 27.04.2013 but have not opined on the nature of injuries till date on the pretext that the reports/treatment received by the injured at Chennai Hospital is to be looked into. Learned Magistrate directed the Chief Medical Officer, Bathinda to direct the concerned doctors to give necessary opinion on that day. This order was passed on 30.04.2013 and it is argued that on that day, the doctor at Civil Hospital has given opinion regarding nature of injuries. Later on, accused filed application for re-examination of Arun Kumar from Board of Doctors.

At the time of arguments, learned counsel for the petitioners firstly argued that injured has not been produced before the doctors for re-examination as per order dated 30.04.2013 and the Investigating Officer has disobeyed the order of the Magistrate. On this argument, I find that there was no direction to the Investigating Officer to take the victim/injured to the hospital for re-examination in the earlier order. As there was no such order passed by the Magistrate, therefore, there is no question of disobedience of the order dated 30.04.2014 passed by the Magistrate.

Furthermore, as per argument of learned counsel for the complainant before learned CJM, Bathinda, it was argued that the doctors at Civil Hospital have given their opinion regarding nature of injury. The test and scanning of the eye were conducted by the doctor in the hospital, where it was found the left eye of the injured is completely damaged. When learned Magistrate has passed the order asking the doctor for giving nature of injuries at that time i.e. on 30.04.2013, then accused should have asked for

re-examination of the victim. Rather, accused-petitioners opposed the application moved by the complainant on 30.04.2013. The revision petition filed before learned Addl. Sessions Judge, Bathinda, was also dismissed.

I have gone through the impugned orders passed by both the Courts below. These orders, in no way, can be held as illegal or perverse or amount to miscarriage of justice. The impugned orders passed by both the Court below are correct, as per law and no illegality has been committed by the Courts below while passing the impugned orders.

Therefore, finding no merit in the present petition, the same is dismissed.

**May 23, 2016**  
Vgulati

**(INDERJIT SINGH)**  
**JUDGE**