

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

CRM No.M-18148 of 2016 (O&M)

Date of Decision: May 24, 2016

Ram Kumar

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Ajay Pal Singh, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondents State of Punjab and Parvinder Singh for quashing of order dated 09.05.2016 passed by learned Judicial Magistrate Ist Class, Abohar, vide which the application dated 29.03.2016 filed by the petitioner for re-Xray examination of respondent No.2/complainant was dismissed.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that learned JMIC, Abohar, vide impugned order dated 09.05.2016, dismissed the application filed by accused-petitioner by holding that FIR in the case was registered on 10.10.2015 and the X-ray examination was conducted on 09.10.2015 and then the application in question has been filed. The accused had not made any allegation earlier during investigation etc. The accused has alleged that

the complainant has got prepared false report in connivance with the doctor. The Court held that this fact can be proved by the accused in his defence evidence that the medical record is false. The Court below further held that the doctor has already conducted the examination and therefore, finding no merit in the application, the same was dismissed.

The perusal of the impugned order dated 09.05.2016 shows that order has been passed as per law. The X-ray examination of complainant has already been conducted on 09.10.2015 and after investigation, challan has already been presented. Even at the time of arguments, it was admitted that doctor has already been examined by the prosecution and cross-examined by the accused. The mere allegation of the accused-petitioner that medical record has been got prepared falsely, he can prove this fact by bringing expert Doctor witness in the defence as the X-ray film, report and MLR etc. are there on the record and can show to the Court that these are not genuine documents etc. After such a long period, the X-ray re-examination of the complainant cannot be conducted.

In view of the above discussion, I find that the impugned order dated 09.05.2016 passed by learned JMIC, Abohar, is correct, as per law law and does not require any interference from this Court.

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

However, the accused-petitioner is at liberty to examine the expert doctor to prove his version.

May 24, 2016
Vgulati

(INDERJIT SINGH)
JUDGE