

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

**CRM No.M-20731 of 2015
Date of Decision: April 28, 2016**

Ram Saroop

.... Petitioner

vs.

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Adarsh Jain, 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)

Impugned in the present petition is the order dated 01.04.2015 (Annexure P-2) passed by the learned Addl. Sessions Judge, Palwal, vide which the application of the petitioner filed under Section 319 Cr.P.C. to summon 10 additional accused to stand trial with the four accused already facing trial, was dismissed.

Suffice to say that challan has been presented under Sections 323, 325 and 506 read with Section 34 IPC and the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Petitioner had named 14 persons in the FIR. After the investigation, only four persons were challaned and remaining 10 persons were not challaned by the police.

After recording the evidence of the complainant, the present application was moved, which was dismissed vide impugned order.

I have heard learned counsel for the petitioner and have also carefully gone through the case file.

At the time of arguments, the copies of MLR have been produced, which show that one of the injured have two injuries of tenderness and other have one injury of tenderness. In this way, statement of complainant, apparently, is not supported by the medical evidence.

Learned Addl. Sessions Judge, Palwal, has referred to the case law on the point to hold that there is not sufficient material against the persons, who were sought to be summoned as additional accused.

I agree with the view taken by the learned Addl. Sessions Judge, Palwal that the statement of the complainant is a gospel truth and the same is not supported by the medical evidence. Therefore, the exercising the powers under Section 319 Cr.P.C. were rightly refused.

Accordingly, the present petition stands dismissed.

April 28, 2016
sarita

(KULDIP SINGH)
JUDGE