

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

**CRM-M-No.29071-2016
Date of decision-07.09.2016**

Deepu

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Saurabh Dalal, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

By filing this petition under Section 482 of Code of Criminal Procedure, the petitioner impugns the order dated 08.07.2016 passed by Additional Sessions Judge, Rohtak vide which the revision filed by the petitioner-accused was dismissed and the order dated 06.04.2016 passed by Chief Judicial Magistrate, Rohtak was upheld and the request of the petitioner to issue directions to the Investigating Officer to get the opinion of the injuries suffered by Jai Parkash from another Medical Board was declined.

In brief facts of the case are as under:-

“That on 14.9.2015 at about 10.00/10.30 p.m., complainant Jai Bhagwan son of Mathura Parsad was sleeping in his house. The wife of his brother Parkash called him and stated that a quarrel has taken place near Flour Mill. On hearing the same, he reached there and saw that his son Sumit was lying on the earth in injured condition. Suresh alias Kaliya son of Sher Singh, his both sons Sandeep and Deepu and his two wives were armed with Danda and knives. Deepu son of Suresh was also

having knife and gave knife blow on Parkash. Sandeep gave iron rod blow upon the head of Sumit. Suresh alias Kaliya was having brick and he gave brick blow upon the head of Chand. When he asked them for the reason, Suresh and his both wives attacked upon him. His brother was shifted to General Hospital, Rohtak. On hearing the noise, neighbours came there and rescued them. While leaving the place of occurrence they also threatened them with dire consequences. He prayed to take legal action against the culprits. On the basis of above said complaint, present case under Sections 148, 149, 323, 325, 506 and 307 IPC was registered. Investigation was conducted. During the investigation, accused were arrested. Site plan of the place of occurrence was prepared. Statements of witnesses were recorded. After completion of investigation, challan against the accused was prepared and presented in the court for trial.”

Thereafter, the case was committed to the Court of Session. While the matter was pending before the Court of Session, the accused moved an application before Chief Judicial Magistrate, Rohtak seeking direction to the Investigating Officer to get an opinion regarding the injuries suffered by Jai Parkash-complainant from another doctor. It was alleged by the accused-petitioner that the opinion of the doctor is biased because as per the *Modi-A Textbook of Medical Jurisprudence and Toxicology*, fracture of the frontal bone cannot be dangerous to life. However, the application was dismissed vide order dated 06.04.2016 passed by the Chief Judicial Magistrate, Rohtak and the revision filed against the order dated 06.04.2016 was also dismissed by impugned order dated 08.07.2016 passed by Additional Sessions Judge, Rohtak.

In the instant petition, the sole argument of learned counsel for the petitioner is that the opinion of the doctor is biased as the injury suffered

by the complainant cannot be said to be dangerous to life.

This Court is of the opinion that firstly the opinion tendered by the doctor is corroborative in nature. The trial Court after examining the witnesses shall at an appropriate stage appreciate the value of medical evidence and shall corroborate it with the ocular evidence.

Further, *Modi-A Textbook of Medical Jurisprudence and Toxicology* opines that fractures are not ordinarily dangerous unless they are compound. In the instant petition, the fracture was compound. By filing the instant petition, the petitioner intended to split the hair which will serve no purpose.

Consequently, the instant petition is dismissed.

Anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(JITENDRA CHAUHAN)
JUDGE

September 07, 2016
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No