

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

CRR No.2483 of 2012 (O&M)

Date of Decision: January 11, 2016

Pritpal Singh

.... Petitioner

vs.

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. S.S. Sidhu, Advocate for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

None for respondent Nos.2 to 4.

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)

CRM-49364-2012

There is delay of 18 days in filing the present revision petition.

For the reasons mentioned in the application, supported by an affidavit, delay of 18 days in filing the present appeal is condoned, subject to all just exception.

Application stands disposed of.

CRR-2483-2012

Impugned in the present revision petition is the judgment dated 02.04.2012 passed by learned Addl. Sessions Judge, Bathinda, upholding the judgment dated 24.12.2009 passed by learned Judicial Magistrate 1st Class, Talwandi Sabo, vide which the respondent Nos.2 to 4 were acquitted of the charges framed against them.

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

A perusal of the lower court file shows that during the investigation, the Superintendent of Police, Bathinda found that the injury on the little finger is self inflicted. Therefore, Section 326 IPC was deleted. It was also found that one of the accused, namely, Jagjit Singh was also not present at the spot. Therefore, part statement of the complainant was disbelieved by the lower court. The lower court has discussed the entire evidence and found material contradictions in the statement of the complainant and the eye witness. It was found that there was a delay in making the statement to the police that the complainant was fit and could move and walk at the time of his admission in the hospital.

In the light of delay, the lower court examined that when the Investigating Officer visited the spot, no bricks and bats were found, no water course was found, whereas according to the complainant, he had gone to the fields on his tractor trolley to fetch some earth near the water course, where the accused attacked him. However, no blood stained clothes were given to the police. The medical evidence was also discussed. It was found that the complainant is a old patient of epilepsy and other injuries can be the result of fall. The entire evidence was discussed by the learned Magistrate and therefore, the accused were acquitted. In the first appeal before the learned Addl. Sessions Judge, Bathinda, the evidence was reappreciated and findings were affirmed.

I am of the view that both the courts below after discussing the entire evidence have taken one of the possible views. The findings are supported by the reasoning. Thus, while exercising the revisional powers, there is no ground to interfere in the judgments of acquittal passed by both the courts below.

Accordingly, the present revision petition is dismissed.

January 11, 2016
sarita

(KULDIP SINGH)
JUDGE