

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

CRR No.1312 of 2013 (O&M)

Date of decision : 21.10.2016

Jai Narain

..Petitioner

Versus

Ram Kishan and another

..Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Jatin Hans, Advocate
for the petitioner.

Mr. Pawan Garg, AAG, Haryana

Mr. Tapan K. Yadav, Advocate
for the respondents.

JITENDRA CHAUHAN, J. (Oral)

This petition has been filed against the judgment dated 07.01.2013, passed by learned Additional Sessions Judge, Bhiwani (learned First Appellate Court), whereby the appeal filed by the petitioner against the judgment dated 20.09.2010, passed by learned Additional Chief Judicial Magistrate, Bhiwani, acquitting the respondents in complaint case No.72 of 2006 under Sections 323, 325, 326, 506, 452, 499 and 500 read with Section 34 of the Indian Penal Code (for short 'the IPC') titled as 'Jai Narain VS. Ram Kishan and anr.' has been dismissed.

The learned counsel for the petitioner states that respondents

had concocted the story to falsely implicate the petitioners as they were doing the black magic inside their nohra and when the petitioner asked them to stop, both of them gave injuries to him. Dr. Lata Sangwan deposed that there was no external mark of the injury on the person of the respondents. There is delay of 26 days in filing the complaint by the respondents.

On the other hand, the learned counsel for the respondents states that when respondents asked the petitioner not to make the staircase in the Gali as the same would pose a problem to them and the general public, petitioner along with his companions gave severe blows to them with blunt weapons.

I have heard the learned counsel for the parties and carefully perused the entire record on file.

There is delay of more than two years in filing the complaint by the petitioner. Learned First Appellate Court has observed that petitioner had instituted the complaint against the respondents after receiving the summons of the complaint instituted by the respondents, therefore, the possibility of after thought cannot be ruled out. On the statement of petitioner, DDR (Ex.C3) was registered, wherein he himself admitted that he was constructing a staircase in the gali and respondents had objected to the same and caused injuries to him. However, later on, he changed his version by stating that the alleged incident occurred in nohra. Further, MLRs (Ex.D4 and Ex.D5) of the respondents showed that they had suffered seven injuries. After considering the statements of the respondents corroborated

with medical evidence, learned First Appellate Court has dismissed the appeal of the petitioner.

In these circumstances, this Court does not find any ground to interfere with the impugned judgments, in exercise of its revisional jurisdiction, as no material evidence or any circumstance has come on record to establish that there is any defect of procedure or improper acceptance or rejection of evidence by learned First Appellate Court.

Consequently, the instant revision petition fails and is hereby dismissed.

21.10.2016

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No