

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(i)

CRR No.1032 of 2014 (O&M)

Sikander Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

(ii)

CRR No.1152 of 2014 (O&M)

Sikander Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondents

Date of Decision: March 31, 2016

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Harinder Singh, Advocate
for the petitioner.

INDERJIT SINGH, J.

This order shall dispose of above-mentioned two connected revisions as the point for determination in both the revisions is also the same.

The above-mentioned revision petitions have been filed by petitioner Sikander Singh challenging the judgment dated 23.12.2013 passed by learned Addl. Sessions Judge, Mansa, vide which appeals

filed by accused-respondents were allowed and they were acquitted of the charges framed against them.

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

From the record, I find that the challan has been presented against accused-respondents Sukhdev Singh son of Jang Singh, Gurjant Singh, Ram Singh, Roop Singh, Sarup Singh and Sukhdev Singh alias Mithu in case FIR No.18 dated 27.02.2000 under Sections 326, 323, 342, 452, 427, 447, 148 and 149 IPC registered at Police Station City Mansa.

The brief facts of the case as noted down by learned Judicial Magistrate Ist Class, Mansa in his judgment are as under:-

"The backdrops of the story of prosecution as per the version of the complainant Leela Singh are that the complainant being agriculturalist by profession has landed property in the area of village Jawharke near new Grain Market, Sirsa Road, Tehsil and District Mansa. The complainant raised a room in the said landed property and as usual along with Gurjant Singh son of Teja Singh slept in the said room in the landed property on 25.02.2000 for surveillance of animals and wheat crop. Then Sukhdev Singh, Roop Singh and Saroop Singh all sons of Jang Singh residents of village Saharna, Ram Singh r/o village Bhaini Bagha brother-in-law of Sukhdev Singh armed with Ghapa and Dangs (sticks) and Mithu Singh Sarpanch r/o village Gagowal armed with licensed revolver came over there in the land of the complainant at about 4.00 a.m. on 26.02.2000 on two tractors carrying tillers (tabia and hal) and started plowing the standing crop of wheat in the said land measuring 30 kanal. Sukhdev Singh, Mithu Singh picked out his licensed revolver and instigated Sukhdev Singh and others to plough the land of the complainant and beat them as he (Mithu Singh) was in support of them. Then Sukhdev Singh gave blow of Ghapa on the right little finger of the complainant. Then Roop Singh gave blow of Dang on the rear side of right shoulder of the complainant. Then Saroop Singh gave blow of dang on

the left shoulder of the complainant. The complainant then was to get up but Ram Singh gave blow of dang on the reverse side of the chest of the complainant. The complainant then sat. Then Ram Singh gave another blow of dang on the left wrist of the complainant. Then Roop Singh gave blow of dang on the palm on the right hand of the complainant. Then Sukhdev Singh and others while beating Gurjant Singh and ploughing the land of the complainant took Gurjant Singh along with them. Then Pritpal Kaur daughter of Ajaib Singh son of Gurbachan Singh by carrying food came over there and thereafter narrated the occurrence on reaching the village. Then Amrik Singh son of Gurnam Singh arranged a tractor trolley and shifted the complainant to the civil hospital, Mansa. The root of the contention was that the said Chatin Kaur wife of Teja Singh auntie (tai) of the complainant executed the sale deed of the said land measuring 36 Kanals in favour of Sukhdev Singh son of Roop Singh, Saroop Singh sons of Jang Singh resident of village Saharna, who all then came to take possession of the said land and ploughed the standing crop of wheat in the field of Gurjant Singh son of Teja Singh and beat Leela Singh and Gurjant Singh and while going from there took Gurjant Singh along with them forcibly to village Saharna. The complainant ultimately recorded his statement to the said effect to ASI Rajinderpal Singh.”

Learned JMIC, Mansa, after appreciating the evidence, convicted the accused-respondents under Section 148, 447, 342, 323, 326 read with Section 149 IPC and sentenced them accordingly. However, accused Sukhdev Singh son of Jang Singh had died during the trial. Aggrieved from the above-said judgment, two appeals were filed by the accused-respondents separately and learned Addl. Sessions Judge, Mansa, accepted both the appeals and the accused-respondents were acquitted of the charges framed against them.

Aggrieved from the judgment passed in appeals by learned Addl. Sessions Judge, Mansa, the present revision petitions have been filed by the complainant-petitioner.

From the record, I find that the findings given by the learned Addl. Sessions Judge, Mansa are correct and as per law. In no way, the findings can be held as perverse i.e. against the evidence or law. In the revision petition, this Court is not to re-appreciate the evidence like Court of appeal. This Court is only to see whether any material evidence has been misread or has not been considered or the findings are given against the evidence and law. Nothing has been argued as to which material evidence has been misread or which material evidence has not been considered by the lower Appellate Court. The perusal of the findings given by learned Addl. Sessions Judge shows that the findings are correct, as per law and the findings given by learned JMIC, Mansa, were not correct. A reasonable doubt exists in the prosecution version and benefit of doubt is to go to the accused. Hence, learned Addl. Sessions Judge, Mansa, by giving benefit of doubt, has correctly acquitted the accused-respondents.

The perusal of the record and findings given by learned Addl. Sessions Judge, Mansa shows that during examination-in-chief PW-4 Leela Singh, complainant deposed that Sukhdev Singh gave kappa blow on his head and when he put his right hand, his little finger was cut and other accused Ram Singh, Sarup Singh, Roop Singh gave soti blows which hit on right shoulder, left shoulder, back, legs and whole body. This witness was confronted with his previous statement where he has got recorded that his finger was cut by Sukhdev Singh with kappa by keeping his finger on the cot and all

happened in the kotha. Ram Singh caught hold his arm and Sukhdev Singh gave blow of kappa. In the previous statement Ex.DA, he deposed that Sukhdev Singh cut his finger with kappa by putting the same on bahi of the cot. Accused Buppa held his hand and others caught his hair. The Court held that this witness has made contradictory statements on different stages which creates doubt. He also contradicted his own version and during his examination-in-chief, he stated that incident took place at about 4.00 a.m. and when Pritpal Kaur reached there and raised alarm, the accused ran away and took Gurjant Singh with them. The Court held that the witness has changed his version regarding how his finger was cut and when Pritpal Kaur came on the spot. It is also held by the lower appellate Court that there is no corroboration to his statement by any other witness.

Otherwise also, as per prosecution version, the occurrence took place at 4.00 a.m. on 26.02.2000 and the FIR was got registered on 27.02.2000 i.e. after the delay of more than 24 hours, which also creates doubt and first version was delayed intentionally to implicate other accused.

Keeping in view the facts and circumstances of the present case and in view of the fact that statement of complainant is not corroborated by any other witness, the findings given by learned Addl. Sessions Judge, Mansa are correct and as per evidence.

In view of the above discussion, I find that the impugned judgment dated 23.12.2013 passed by learned Addl. Sessions Judge,

Mansa is, correct, as per law and does not require any interference from this Court.

Therefore, finding no merit in both the revision petitions, the same are dismissed.

March 31, 2016
Vgulati

(INDERJIT SINGH)
JUDGE