

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

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**C.R.M No.22735-736 of 2016 in/and
C.R.R. No.1294 of 2016
Date of Decision : 11.08.2016**

Roshani Devi

..... Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. K.B. Raheja, Advocate
for the applicant-petitioner.

AJAY TEWARI, J. (Oral)

CRM-22735-736-2016

For the reasons recorded, the applications are allowed.

Documents are taken on record.

CRR-1294-2016

This revision petition has been filed against the order dated

the petitioner.

As per the allegations in the FIR the accused persons had entered the house of the petitioner and dragged her out to the street and one Vinod hit her with dang on her nose. Admittedly the charge under Section 325 IPC has been framed against Vinod. By the instant application the petitioner wanted to examine herself further and to prove the medical record showing that subsequently the bone in her nose had been removed by surgery in Guru Gobind Singh Medical College and Hospital, Faridkot. The trial Court noticed that the original medical record of the petitioner concerning the treatment of the petitioner in the Civil Hospital at Abohar was already on the record as a result of which charge under Section 325 IPC has been framed. The Court further found that the petitioner did not mention about the treatment which she took from the Faridkot Hospital in her testimony and consequently dismissed the application.

Learned counsel for the petitioner has argued that this is a case where the police have through out been helping the accused and the statement of the petitioner was recorded only after two months of the incident and did not collect the evidence.

In my opinion, had this been a case where the petitioner had

mentioned in her evidence that after the treatment at Abohar she had to

take treatment at the Faridkot Hospital the situation would be different. By not mentioning the same at the relevant time she can now can not say that the evidence was not collected by the police or that the police is helping the accused.

Learned counsel has relied upon the following judgments to support his argument:-

- i) Salman Khan vs. State of Rajasthan, 2015(7) RCR (Criminal) 257*
- ii) Rajiv Sood vs. State of Punjab, 2016(1) RCR (Crl.) 67*
- iii) Rakesh Kumar vs. State of Punjab and another, passed in CRM-M-14471-2015, decided on 23.09.2015*
- iv) Tosiba Industries Ltd. and others vs. State of Haryana and another, 2016(1) RCR (Criminal) 683*

The judgments relied upon by the learned counsel are all distinguishable. Consequently, the revision petition is dismissed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

August 11, 2016
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No