

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.1326 of 2016 (O&M)
Date of Decision: April 05, 2016

Rati Ram

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Rao Ajender Singh, Advocate
for the petitioner.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Rati Ram against State of Haryana and other respondents, challenging the order dated 03.03.2016 passed by learned Addl. Sessions Judge, Narnaul vide which the application under Section 319 Cr.P.C. filed by the complainant-petitioner was dismissed.

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

The perusal of the record shows that an application under Section 319 Cr.P.C. was filed to summon additional accused. The brief facts of the prosecution case are that complainant Rati Ram got recorded the FIR by stating that on 09.02.2015 at about 8.30 a.m. when he along with his wife Sunhari, son Om Parkash and daughter-in-law Mamta were taking tea in their house, the accused persons

namely Pilot, Suresh Kumar, Kanha Ram, Suna Ram, Hemraj, Sachin, all equipped with *dandas* in their hands, started giving beatings to Om Parkash. Pilot slapped Mamta and Sunhari. Meanwhile, Bimla, Baiya, Dholi, Kamla, Krishna wife of Kanha, Krishna wife of Gadha Ram, Rajbala and Manju also came there and assaulted wife and daughter-in-law of the complainant and also damaged the household articles. The allegation of causing theft by the above named accused persons was also levelled.

After completion of investigation, challan was presented only against Pilot, Suresh, Suna Ram, Ajay Kumar and Krishna wife of Kanha Ram and remaining accused were found innocent and their names were kept in column No.2. After the complainant examined himself as PW-1, application under Section 319 Cr.P.C. was filed.

Learned Addl. Sessions Judge, Narnaul, after discussing the evidence and facts of the case in detail, dismissed the application vide impugned order dated 03.03.2016.

I have gone through the impugned order and find that the order passed by learned Addl. Sessions Judge, Narnaul is correct and as per law. As per the impugned order, the complainant has named 14 accused, who entered in his house. Six of them were armed with *dandas* and they caused injuries with *dandas* and also by way of slaps etc. but on the record, only MLR is found annexed i.e. of Om Parkash and he has also received only three injuries in the shape of bruises and abrasions, even though, he was examined on the date of incident within duration of eight hours. The Court after discussing all these

facts, found no merit in the application and it was dismissed.

The perusal of the impugned order shows that it is correct and as per law. To summon a person as additional accused under Section 319 Cr.P.C., it should appear to the Court that the person sought to be summoned as additional accused is involved in the commission of offence. In the facts and circumstances of the present case, the persons which the accused wants to summon as additional accused, did not appear to be involved in the commission of the offence, especially when the complainant is attributing injuries to 14 persons but there are only three injuries to one person and that are also bruises and abrasions.

In view of the above discussion, I find that the impugned order dated 03.03.2016 passed by learned Addl. Sessions Judge, Narnaul is correct, as per evidence and law and do not require any interference from this Court.

Therefore, finding no merit in the present revision petition, the same is dismissed.

April 05, 2016
Vgulati

(INDERJIT SINGH)
JUDGE