

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

**CRR No.1977 of 2016 (O&M)
Date of Decision: July 21, 2016**

Satish and another

...Petitioners

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Mandeep Kaushik, Advocate
for the petitioners.

INDERJIT SINGH, J.

The present revision has been filed by the petitioners Satish and Madan under Section 401 Cr.P.C. against respondent State of Haryana, challenging the impugned order dated 28.08.2014 passed by learned Principal Magistrate, Juvenile Justice Board, Panipat, vide which the petitioners were convicted under Sections 364/302 read with Section 34 IPC and ordered to be kept at Special Home for a period of three years and also challenging the judgment dated 26.04.2016 passed by learned Addl. Sessions Judge, Panipat, vide which appeal filed by petitioners was dismissed.

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

The brief facts of the case as noted down in the impugned order

dated 28.08.2014 passed by Principal Magistrate, Juvenile Justice Board,

Panipat, are as under:-

“2. Briefly the prosecution case are that on 08.04.2012 Prithvi Singh moved a written complaint to SI Prem Singh who was present at bus stand Sanoli Road to the effect that Naveen son of his elder brother Jai Kishan, who died on 1983, was brought up him. Naveen was aged about 32 years, married and had a daughter and two sons named Neha, Gaurav and Kartik respectively. The Naveen had a business of plying Taxi. On 06.04.2012 at about 6.00 PM Kala S/o Sayaki, MadanS/o Ishwar and Satish S/o Rishi Pal came at taxi stand of the village. At that time Pardeep S/p Shambu Ram who is partner in the taxi business of Naveen was also present there. The above said three boys saying that they had to bring a bride from village Ishopur hired a taxi of Naveen on the payment of Rs.900/-. Naveen took his white colored Indica car bearing No.DL-1-CH-9585 and along with three boys left the taxi stand for village Ishopur at 6.30 PM. At the time of hiring the car, the three boys were saying that they will return in 2-3 hours. At about 8.00 PM, Naveen called from his mobile No.9991630045 on the mobile of Pardeep Kaur and told him that he was fearing a danger to his life from the three boys. Thereafter, the Pardeep called back on the mobile number but the call was picked up by one of those boys but he did not reply properly. The Naveen did not return the car. The complainant enquired about his nephew and the car in the near by villages and in the adjoining villages of UP but could not find any clue about him. He expressed strong suspicion that his nephew Naveen has been kidnapped for being murdered by those three boys. It was stated that Naveen was having Rs.3500/- and wearing gold chain of 2 tollas. It is requested that legal action be taken against them. The site plan of the spot was prepared. The statements of the witnesses were recorded. During investigation, the dead body was recovered in dry canal at Khanarawali, on which Pirthi Singh alongwith his son reached the spot and identified the dead body as that of Naveen. The proceedings u/s 174 of Cr.P.C. in investigation of the dead body was conducted and PMR report was collected. Juveniles were apprehended. After completion of investigation enquiry report u/s 173 Cr.P.C. was filed against the juveniles.”

Learned Principal Magistrate vide order dated 28.08.2014 held the accused guilty under Sections 364/302 read with Section 34 IPC and ordered to be kept at Special Home. An appeal was filed and learned Addl. Sessions Judge, Panipat dismissed the appeal vide judgment dated

Aggrieved from the above-said order and judgment, present revision petition has been filed.

The perusal of the order and judgment passed by learned Principal Magistrate as well as learned Addl. Sessions Judge, Panipat, shows that no illegality has been committed. Nothing has been pointed out at the time of arguments, as to how the impugned order and judgment are perverse or against the evidence. Nothing has been pointed out that what illegality has been committed. Learned Principal Magistrate and learned Addl. Sessions Judge, Panipat, have appreciated the evidence in right perspective and findings have been given as per law. There is cogent evidence on record i.e. last seen, as these petitioners have hired the taxi of Naveen (deceased) and thereafter, he was found murdered. It is also the allegation that some of the documents of the deceased were also recovered from the accused on the basis of disclosure statement.

The perusal of the evidence shows that chain of circumstances is complete. The motive is also there. The Court below and Principal Magistrate have discussed the evidence in minute detail and it is stated that PW-1 Prithi Singh and PW-2 Pardeep Kumar have consistently deposed regarding the prosecution version and there are no material contradictions in the statements of the PWs. At the time of arguments, nothing has been pointed out as to which material evidence has not been considered or which material evidence has been misread.

In view of the above discussion, I find that the impugned order dated 28.08.2014 passed by learned Principal Magistrate, Juvenile Justice Board, Panipat and judgment dated 26.04.2016 passed by learned Addl.

Sessions Judge, Panipat, are correct, as per law and do not require any

interference from this Court.

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

July 21, 2016
Vgulati

(INDERJIT SINGH)
JUDGE