

CRR-3273-2015(O&M)

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

CRR-3273-2015 (O&M)

Date of Decision: 28.04.2016

GAGANDEEP

... Petitioner

VS.

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Karampal Singh, Advocate,
for Mr. Jaswinder Singh Grewal, Advocate
for the petitioner.

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

KULDIP SINGH, J (ORAL)

CRM-28602-2015

The present application filed under Section 5 of Limitation Act has been filed for condonation of delay of 20 days in filing the leave to appeal.

For the reasons enumerated in the application, the same is allowed. Delay of 20 days in filing the leave to appeal is hereby condoned subject to all just exceptions.

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The petitioner in this present revision has challenged the judgements passed by the learned Additional Sessions Judge, Fazilka dated 30.04.2015 as well as the judgment 02.02.2015 passed by the learned Principal Magistrate, Juvenile Justice Board, Fazilka whereby the present petitioner was convicted under sections 323 and 341 of Indian Penal Code.

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Since, the present petitioner is a juvenile offender, he was ordered to be released on probation, on furnishing of personal bond of ₹ 10,000/- for one year on the condition that he will keep peace and be of good behaviour for the above said period.

I have heard learned counsel for the petitioner.

Learned counsel for the petitioner contended that in this case, the fist blow is alleged to have been attributed to the petitioner which is not corroborated by the medical evidence. It is stated that the injury on the right eye is attributed to the accused-Gagandeep. In this case there are several accused. The present petitioner, being juvenile, was tried by the Juvenile Justice Board, while the other accused were tried by the ordinary court. The injury as mentioned in the judgment shows that there was bleeding from the nose. There was injury on the right side of the forehead as well as on the right cheek. The fist blow is likely to be hit either on the portion above the right eye or below the right eye as portion of the eye is not protruding outside the body.

It being so, it cannot be said that the medical evidence does not support the ocular version. The plea of alibi was rightly not accepted by both the court below.

There is no illegality and perversity in the findings of the lower court judgments. Hence, the present revision petition stands dismissed.

[KULDIP SINGH]
JUDGE

April 28, 2016