

CRR No.2856 of 2016

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

C.R.R No.2856 of 2016

Date of Decision : 12.08.2016

Jalbir Singh

..... Petitioner

versus

Baldhir Singh Sagwal and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. K.P. Singh, Advocate for the petitioner.

AJAY TEWARI, J. (Oral)

This revision petition has been filed against the order dismissing the complaint of the petitioner-complainant.

As per the complaint, the accused (who are the brothers of the complainant) on the fateful day had trespassed into the land of the petitioner-complainant had damaged his tractor and had given blows to his wife and their mother. The trial Court found that as per the MLR the petitioner had complaint of pain and two abrasions and no probable time when the injury was inflicted was mentioned in the MLR. Further the

Court found that in the complaint it was mentioned that the sisters of the

complainant were also present at the place but this allegation had not been mentioned in the FIR. The injured mother could not appear to give her testimony because she had passed away in the meantime. In view of these facts, the Court decided not to summon the accused persons.

Learned counsel has argued that at the stage of summoning only prima-facie case has to be seen. That may be so but the whole question boils down to the judicial conscience of the Court. If the conscience of the Court is satisfied that there is ground for proceeding further it would obviously issue summons but if despite some evidence the Court is not satisfied, it is perfectly justified in not proceeding further in the matter and merely because there is some evidence it cannot be said that the Court has erred.

In the circumstances, I see no reason to interfere with the findings of the Court below. Revision petition is dismissed.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

August 12, 2016
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No