

105
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 580 of 2015 (O/M)
Date of decision : 19.2.2016

Noor Mohd.

..... Revisionist

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Jamshed Ahmed, Advocate, for,
Mr. Salim Ahmed, Advocate, for the revisionist.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
- .- -.-

KULDIP SINGH J. (ORAL)

The learned proxy counsel appearing for the learned counsel for the revisionist requests for an adjournment on the ground that the arguing counsel is out of station.

Keeping in view the fact that for the last several dates, adjournment is sought, the request for adjournment is declined.

The MLRs have not been brought on record, in terms of order, passed by this Court on 12.10.2015.

I have gone through the impugned order.

It comes out that an application under Section 319

CRR No. 580 of 2015 (O/M)

-2-

Cr.P.C. has been filed by the complainant before the lower Court for summoning of as many as 9 persons as additional accused, stating that inadvertently, he did not name them. The lower Court applied the ratio of authority of the Hon'ble Supreme Court in Hardeep Singh Versus State of Punjab and others, 2014 (1) RCR (Criminal) 623 and has come to the conclusion that for the purpose of summoning under Section 319 Cr.P.C., more than prima-facie case is required to be made out. The satisfaction of the Court should be short to the extent that the evidence, if goes un-rebutted, would lead to the conviction. The learned Additional Sessions Judge, Mewat, vide order dated 20.12.2014, has observed as under :-

“8. If we go through the evidence led by the prosecution, in the background, to summon the persons now named in the application hand, to face trial alongwith co-accused, because in the original statement made by the Noor Mohd. Complainant vide Ex.P4 it is alleged that Tarif has struck the stone on his chest. However, post mortem report of Sahiba shows that there is a reddish abrasion on the right occipital region of scalp. Under the head CRANIUM and SPINAL CORD there was a contusion over right occipital lobe of brain and sub-arachnoid hemorrhage was present over right occipital lobe in the area and whole brain was congested. However, in order to co-relate the injury on the person of Sahiba, Noor Mohd has made supplementary statement,w hereby he has mentioned that Tarif has struck the stone blow on the chest of Sahiba. This statement was made by him on 16.12.2014, whereas the first version given by him was made on 10.8.2013. Thereafter, a lapse of 5-6 months making such statement, makes it clear that he is now improving the case by co-relating the injury on the person of Sahiba by making supplementary statement.”

CRR No. 580 of 2015 (O/M)

It being so and keeping in view the fact that prima-face case is not made out for summoning as many as 9 persons as additional accused was rightly declined by the lower Court. Hence, the present revision is dismissed.

(KULDIP SINGH)
JUDGE

19.2.2016
sjks