

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-4296-2016

Date of Decision:- 21.11.2016

Asha Devi

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sudhanshu Makkar, Advocate,
for the petitioner.

RITU BAHRI, J. (Oral)

Petitioner has filed the present revision petition against order dated 06.09.2016, passed by learned Additional Sessions Judge, Rewari, vide which the application filed by the complainant under Section 319 Cr.P.C. for summoning the respondent Nos. 2 to 4 as accused has been dismissed.

After taking into consideration the facts and all the contentions pertaining to appreciation of evidence, learned Additional Sessions Judge, Rewari, has dismissed the application, by virtue of impugned order dated 06.09.2016, which in substance is as under: -

"In the present case, as per MLR of PW4 Desh Pal, only one injury on shoulder is shown to have been suffered by him. He stated that all the three persons sought to be summoned as additional accused inflicted injuries with lathi on his shoulder. It does not stand to reason that three persons armed with lathies would have given only one blow and that too on the same part of the body i.e. shoulder of Desh Pal. It is pertinent to mention here that earlier also a similar application was

moved by the complainant for summoning Jai Singh, Hanuman and Anil as additional accused along with the accused namely Chetan Parkash son of Ramotar and Amit son of Chetan Parkash. The said application qua summoning of the present accused already stand dismissed vide order dated 16.04.2016. Only vague and sweeping allegations have been levelled by complainant Asha Devi and PW4 Desh Pal against the proposed accused who have already been found to be innocent by the Investigating Agency during the investigation of the case. In these circumstances, no ground for summoning of Jai Singh, Hanuman and Anil as additional accused is made out and the same is hereby dismissed.”

Meaning thereby, the learned Additional Sessions Judge, Rewari, has examined the matter in right perspective, recorded the cogent grounds and correctly dismissed the application filed by the complainant.

Learned counsel for the petitioner did not point out any material/reasons, much less cogent, so as to warrant any interference in the impugned judgment.

Such order, containing valid reasons, cannot possibly be interfered with by this Court, in exercise of limited revisional jurisdiction of this Court under Sections 397/401 Cr.P.C., unless and until, the same is illegal, perverse and without jurisdiction. Since, no such patent illegality or legal infirmity has been pointed out by the learned counsel for the petitioner, so, the impugned order deserves to be and is hereby maintained in the obtaining circumstances of the case.

In the light of aforesaid reasons, as there is no merit, therefore, the instant revision petition is hereby dismissed as such.

November 21, 2016
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(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No