

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

Criminal Revision 1403 of 2008

Date of Decision: May 1, 2017

Sunehri Devi

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE T.P.S.MANN

Present : None for the petitioner.

Mr. Ashok S. Chaudhary, Addl. Advocate General, Haryana.

None for respondents No. 2 to 9.

T.P.S.MANN, J. (Oral)

Smt. Sunehri Devi, wife of deceased-Om Parkash has filed the present revision for challenging the judgment dated 31.1.2008 passed by learned Additional Sessions Judge (Adhoc), Fast Track Court, Kurukshetra, vide which, respondents No. 2 to 9 stood acquitted of the charges under Sections 148, 302/149, 307/149, 353/149 and 332/149 IPC.

According to the prosecution, on 27.4.2003, accused Rajinder and Mohan Lal fired upon the deceased from their .315 bore licenced rifles hitting him in his abdomen and as a result, he

started bleeding profusely. In order to rescue him, Inderjit Singh came forward but he was also fired upon by Husna with his .12 bore licenced gun. Accused Mehar Singh fired at Satpal and Gurnam Singh. Accused Vinod Kumar @ Neetu, Raj Kumar, Dharam Pal and Ram Pal also fired shots. The Goharas belonging to the deceased were set on fire. The FIR was registered on the basis of statement made by the deceased before ASI Hanu Ram. He was, thereafter, shifted to P.G.I., Chandigarh, where he died on the next day.

The revision was posted for final hearing for 10.11.2016, when none appeared for the petitioner. The position was the same even on the adjourned date, i.e. 10.3.2017. In the interest of justice, the hearing of the revision was adjourned. However, it was made clear that if there was no representation on behalf of the petitioner on the adjourned date, the revision would be dismissed for want of prosecution.

On the last date of hearing, i.e. 26.4.2017 again, none appeared for the petitioner. Despite the same, the hearing of the revision was adjourned for today, in the interest of justice. The position remains the same even today, when none has put in appearance for the petitioner. Under these circumstances, it would be in the fitness of things to dismiss the revision itself for

want of prosecution.

Even otherwise, from the impugned judgment, it is made out that PW4 Inderjit Singh, PW5 Satpal and PW8 Ram Chander, who were said to have received injuries during the incident did not support the prosecution case at the trial. They went on to add that they had not seen any of the accused at the place of the occurrence nor saw them firing any shot. PW6 Angrej Singh, who was also projected as an eye witness of the incident failed to support the prosecution case. All of them were cross-examined by the learned Public Prosecutor after seeking permission of the Court. Though they were confronted with their statements made before the police yet nothing incriminating against the accused could be elicited from any one of them.

As regards the dying declaration Ex.PR, the exact word used by the deceased were not recorded therein. Further, no attempt was made by the police to secure the services of a Magistrate for the purposes of recording of the statement of deceased-Om Parkash, when he was alive. As the star witnesses of the prosecution had not deposed in line with the prosecution case, it would not be safe to hold that the accused, i.e. respondents No. 2 to 9 were responsible for the murder of Om Parkash and had caused injuries to PW4 Inderjit Singh,

PW5 Satpal and PW8 Ram Chander.

In view of the above, the revision is without any merit and, accordingly, dismissed.

May 1, 2017
amit rana

(T.P.S. MANN)
JUDGE

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No