

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

**CRR No.2254 of 2010 (O&M)
Date of Decision: April 03, 2017**

Satinder Singh

...Petitioner

VERSUS

Darshan Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Animesh Sharma, Advocate
for the petitioner.

Mr.Sunil Chadha, Senior Advocate with
Ms.Swati Verma, Advocate
for respondent No.1.

Mr.Preetinder S.Ahluwalia, Advocate
for respondents No.2 to 5.

Respondent No.6 (proclaimed offender).

Mr.V.P.S.Sidhu, Asstt. Advocate General, Punjab
for respondent No.7-State.

INDERJIT SINGH, J.

Petitioner has filed this revision petition under Section 401 Cr.P.C. against Darshan Singh and other respondents, challenging the order dated 30.04.2010 passed by learned Addl. Sessions Judge, Patiala, vide which the case committed to the Court of Session was remanded back to the Court of learned Illaqa Magistrate for conducting trial.

Notice of motion was issued. Learned counsel for respondent

No.1, respondents No.2 to 5 as well as learned State counsel appeared and

contested the revision.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that learned lower Court committed the case to the Court of Session finding the case under Sections 307, 458, 323, 148 and 149 IPC. The offence under Section 307 is triable by the Court of Session. Learned Addl. Sessions Judge, Patiala, vide impugned order dated 30.04.2010 held that none of the injury is found to be dangerous to life by the doctor and none of the injury has been declared as grievous. All these injuries were given with blunt weapon and are simple in nature.

I have gone through the impugned order. As none of the injury is dangerous to life nor grievous in nature and injury is given by blunt weapon and simple in nature, therefore, in no way, it can be held that prima facie offence under Section 307 IPC is made out. The present case has been rightly sent back by learned Addl. Sessions Judge to the learned Illaqa Magistrate to conduct the trial as per law.

In the impugned order, learned Addl. Sessions Judge, Patiala acquitted the accused under Section 307 IPC. Qua this averment, I find that at the time of framing of the charges, the accused can be discharged only or the Court can say offence under Section 307 IPC is not made out. At this stage, without evidence on record or without framing the charge against accused under Section 307 IPC, the accused cannot be acquitted under Section 307 IPC. Therefore, to this extent, the impugned order dated 30.04.2010 passed by learned Addl. Sessions Judge, Patiala is not as per law and these findings qua acquittal under Section 307 IPC are set aside.

Section 307 IPC at this stage is not made out and learned Addl. Sessions Judge, Patiala, has rightly sent back the case to learned Illaqa Magistrate to conduct the trial as per law.

Therefore, finding no merit in the present revision petition, the same is dismissed.

April 03, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No