

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

**CRR No.2695 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: None for the petitioner.

None 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 09.01.2010 passed by learned Addl. Sessions Judge, Patiala, vide which the application filed by complainant-petitioner for framing the charge under Section 460 IPC against the accused was dismissed.

Notice of motion was issued. Learned counsel for respondents No.2 to 5 as well as learned State counsel appeared and contested the revision.

I have heard learned counsel for respondents No.2 to 5 as well as learned State counsel and have gone through the record.

As this is a revision petition, this Court is to see the illegality of the impugned order. Learned counsel for the petitioner in this revision petition has not come present.

After hearing learned State counsel as well as learned counsel for respondents No.2 to 5 and going through the record, I find that the impugned order passed by learned Addl. Sessions Judge, Patiala dismissing the application for framing the charge under Section 460 IPC against the accused is correct and as per law.

Learned Addl. Sessions Judge, Patiala while dismissing the application mainly discussed the fact that accused were not summoned under Section 460 IPC and the complainant has not challenged that order nor he has moved any application before learned Magistrate for summoning the accused under Section 460 IPC. He also stated that this order of summoning has been passed on 05.03.2003 and the limitation for filing the revision has also expired. Otherwise also, from the record, I find that when there is no injury dangerous to life nor there is any evidence to show that any injury is grievous in nature, so Section 460 IPC is not made out.

Section 460 IPC provides as under:-

460. All persons jointly concerned in lurking house-trespass or house-breaking by night punishable where death or grievous hurt caused by one of them.—If, at the time of the committing of lurking house-trespass by night or house-breaking by night, any person guilty of such offence shall voluntarily cause or attempt to cause death or grievous hurt to any person, every person jointly concerned in committing such lurking house-trespass by night or house-breaking by night, shall be punished with 1[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

From the above discussion, I find that as no grievous injury or death has been caused at the time of the committing of lurking house-trespass by night or house-breaking by night, therefore, on the face of it, offence under Section 460 IPC is not made out. Furthermore, as held by learned Addl. Sessions Judge, no revision has been filed challenging the summoning order.

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

April 03, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No