

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRR-1265-2015(O&M)

Date of decision : 11.01.2017

Rajender

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Ms.Aashna Gill, Advocate
for Mr.Aman Pal, Advocate
for the petitioner.

Mr. Sulinder Kumar, AAG, Haryana.

Ms.Vandna Rana, Advocate
for Mr.Hemant Bassi, Advocate
for respondent no.2.

AMOL RATTAN SINGH, J.(ORAL)

This is a petition filed against the dismissal of an application filed under Section 319 Cr.P.C., seeking to put on trial one Smt. Ram Murti on the ground that she too was attributed an active role in the occurrence by which injuries were inflicted on one Subhash, leading to his death.

As per the FIR registered, after the initial altercation took place between Sukhbir and Partap on one side and the deceased Subhash on the other, Sukhbir and Partap are stated to have gone to their house and returned with wooden sticks. Sukhbir gave a danda blow on the head of Subhash, and Partap after getting Subhash to stop his tractor, forcibly dragged him down and gave him danda blows on his head and chest. It was further stated

that in the meanwhile Ram Murti wife of Partap came armed with a brick bat and gave brick bat blows on the head, chest and face of Subhash.

Upon the FIR having been registered and investigation conducted, Ram Murti was found innocent and therefore in the report submitted under Section 173 Cr.P.C. only the aforesaid Sukhbir and Partap were arraigned as accused by the investigating agency.

The application thereafter filed by the complainant under Section 319 of the Cr.P.C. was dismissed on the ground that only three injuries were shown on the person of the deceased in the MLR, which were a lacerated wound on the right temporal region and swelling and pain in the eyes and chest.

Consequently, the learned trial Court took a view that with Partap and Subhash having also been attributed at least three injuries to the person of deceased, the possibility of Ram Murti having also inflicted an injury upon him, were not likely.

One other person who is stated to have received injuries, PW-1, was not got medico legally examined, as per the impugned order.

The application was therefore dismissed and subsequently, as learned counsel has submitted, Subhash and Partap were convicted for the offence punishable under Section 302 IPC.

Though, as per the Post-mortem report annexed with this petition, another injury in the pelvic region is observed, however, even as per the version of the complainant, Ram Murti was not attributed any injury in that region.

Hence, the learned trial Court having taken a very possible view which I find no perversity in, to set aside the impugned order, this

revision petition is, dismissed.

(AMOL RATTAN SINGH)
JUDGE

January 11, 2017.
Davinder Kumar

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