

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

CRR No.1311 of 2016 (O&M)

Date of decision : 14.03.2017

Jumme Khan

...Petitioner

Versus

Haroon and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Satish Chaudhary, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

CRM-11084-2016

Heard.

Keeping in view the averments made in the application, the same is allowed. The delay of 167 days in filing the present petition is hereby condoned.

Main Case

The present petition has been filed for setting aside the judgment dated 31.08.2015, passed by learned Sessions Judge, Mewat at Nuh, whereby the appeal filed by the petitioner against the judgment dated 04.03.2014, passed by learned Judicial Magistrate 1st Class, Ferozepur Jhirka/Mobile Court at Pinangwan, wherein the private respondents were acquitted in FIR No.227 dated 01.07.09 registered under Sections 148, 323,

324, 325 and 326 read with Section 149 IPC, at Police Station Punhana, has been dismissed.

The learned counsel for the petitioner states that the Courts below have grossly ignored the statement of the complainant and other witnesses, duly corroborated with the medical evidence and erroneously passed the impugned judgments.

I have heard the learned counsel and carefully perused the entire record on file.

In **State of UP Vs. Ram Sajivan and others**, 2010 (1) SCC 529, the Hon'ble Supreme Court of India, observed as under:-

*“In the case of **Raj Narain v. State of U.P. & Others** [Criminal Appeal Nos. 891-892 of 2002 decided on 18.09.2009], this Court reiterated the aforesaid view and held that even if two views are reasonably possible, one indicating conviction and other acquittal, this Court will not interfere with the order of acquittal. However, this Court will not hesitate to interfere with such order if the acquittal is perverse in the sense that no reasonable person would have come to that conclusion, or if the acquittal is manifestly illegal or grossly unjust.”*

In the instant case, there are many lacuna on the part of the petitioner. Neither the investigating officer, who presented the challan under Section 173 Cr.P.C. nor the doctor, who medico legally examined the injured party on the side of the petitioner, have been examined. Further, no independent witness has been examined to support the case of the petitioner.

Even there is no evidence on record to suggest the efforts made to examine any independent witness. Therefore, this Court feels that the findings recorded by the Courts below cannot be said to be perverse or contrary to the material on record. In fact the impugned judgments were passed after appreciating the entire facts and circumstances of the present case and no other view is possible.

Accordingly, the present petition is hereby dismissed.

14.03.2017

ashok

**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No