

CRR-2551-2014

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

**CRR-2551-2014 (O & M)
Date of Decision: 07.03.2017**

Satbir Yadav

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. A.D.S.Sukhija, Advocate,
for the petitioners.

Mr. Parveen Aggarwal, DAG, Haryana.

Mr. Gurbir Dhillon, Advocate for
respondent Nos.2, 3, 6 and 8 to 19.

Mr. Sunil K. Chaudhary, Advocate,
for respondent No.4.

Ms. Aashna Gill, Advocate for
Mr. Aman Pal, Advocate,
for respondent No.5.

Mr. Subhash Arora, Advocate,
for respondent No.7.

INDERJIT SINGH, J.

Petitioner-Satbir Yadav has filed this revision under
Sections 397 and 401 Cr.P.C. challenging the order dated 01.08.2014
passed by learned Additional Sessions Judge, Gurgaon whereby case has

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been sent back to the Judicial Magistrate Ist Class, Gurgaon holding that no offence triable by the Court of Session is made out.

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 FIR, in the present case, was registered under Sections 147, 148, 149, 323, 325, 307 and 201 IPC and Section 25 of the Arms Act, 1959. Learned Magistrate committed the case to the Court of Session. However, learned Additional Sessions Judge, Gurgaon, vide impugned order dated 01.08.2014 held that offence under Section 307 IPC is not made out and, therefore, the matter was sent back to the Magistrate under Section 228 (1) (a) Cr.P.C.

Learned counsel for the petitioner argued that in the present case, Manoj suffered a fracture on his skull and Neurosurgeon has also given the opinion that injury is dangerous, therefore, charge under Section 307 IPC is made out and the impugned order is illegal.

On the other hand, learned counsel for the private respondents argued that board of doctors of PGIMS, Rohtak has simply found the injury as grievous in nature, therefore, no offence is made out under Section 307 IPC.

Perusal of the record shows that on 23.08.2011, Dr. Druv Kumar Chaturvei, Neurosurgeon, Max Hospital, declared the head injury as dangerous and on the basis of this opinion, offence under Section 307 IPC has been added by the police. Learned Additional Sessions Judge,

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Gurgaon held that in this case, board comprising three doctors of PGIMS, Rohtak including Neurosurgeon has found injury as grievous only and not dangerous to life. Therefore, relying upon the opinion of three doctors of PGIMS, Rohtak, learned Court held that this injury falls in the category of grievous and not dangerous to life. Otherwise also, learned Additional Sessions Judge held that even the Neurosurgeon of Max Hospital has not given the opinion that the injury suffered by Manoj on the head is dangerous to life, rather he has only stated that this injury is dangerous. The court also held that the lower court upon the application of defence passed an order for the constitution of medical board to give an opinion about the nature of injury and the board of doctors has given the opinion that injury is grievous, therefore, the court has held that Section 307 IPC is not made out.

Perusal of the impugned order passed by learned Additional Sessions Judge, Gurgaon shows that no illegality has been committed while passing the impugned order. At this stage, in view of opinion of medical board of the doctors of PGIMS, Rohtak, the injury suffered by Manoj Yadav is only grievous one. Therefore, from the above, I find that the impugned order dated 01.08.2014 passed by learned Additional Sessions Judge is correct and as per law and, therefore, the same does not require any inference.

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

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However, nothing stated above will constitute my opinion
on merits of the case.

07.03.2017
parveen kumar

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No