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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 2964/2017 & C.M.Nos.12884-12885/2017**

SATISH KUMAR

..... Petitioner

Through **Mr.Rajeev Lochan, Advocate.**

versus

INDIAN SPINAL INJURIES CENTRE & ORS. Respondents

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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17.04.2017

Present writ petition has been filed seeking a direction to respondents nos.1 and 2 to produce all medical records with respect to respondent No.3's spinal cord treatment.

It is pertinent to mention that petitioner has been held guilty under Section 325, IPC for voluntarily causing grievous hurt to respondent No.3 due to which he received spinal injury and had to go under treatment in respondent nos.1 & 2-hospitals.

It is the petitioner's case that respondent No.3 has been negligently treated by respondent nos. 1 & 2 and the permanent disability has been caused due to their negligence and not due to the petitioner's act.

Having perused the paper books, this Court is unable to appreciate as to why the petitioner did not raise this plea before the Trial Court when the treating Doctor and hospital official appeared as

witnesses or the Appellate Court or before the Revisional Court.

In the opinion of this Court, present writ petition is an attempt to go behind the Trial Court as well as Appellate Court and Revisional Court's judgment holding the petitioner guilty under Section 325, IPC. This is certainly not permissible in law.

Moreover, it is not open to the aggressor/accused to determine the victim's line of treatment.

Consequently, the present writ petition being bereft of merits is dismissed.

MANMOHAN, J

APRIL 17, 2017

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