

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

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CRM-M No.25160 of 2017

Date of Decision: May 10th, 2018

Shingara Singh

...Petitioner

Versus

Mahinder Singh Shah and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rahul Vats, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this petition is to the judgment dated 29.11.2014 (Annexure P-1) passed by the Sub Divisional Judicial Magistrate, Guhla, in Criminal Complaint No.327 of 2012 under Sections 406, 269, 270, 506 IPC titled as Shingara Singh Vs. Mahinder Singh Shah, dismissing the complaint and the judgment dated 01.05.2017 (Annexure P-2) passed by the Additional Sessions Judge, Kaithal, dismissing the revision which was preferred by the petitioner.

It is the contention of learned counsel for the petitioner that the petitioner under a *bona fide* belief had filed a complaint against the respondent and it so transpired that it is not the respondent, who had conducted the operation but one Dr. Kiran V. Kumar and the present complaint has been dismissed primarily because she is not a party to the complaint. He contends that since the petitioner has been put to undergo all the troubles and problems because of the operation which was conducted in the hospital of respondent No.1, therefore, he should have been held liable for the offences for which the complaint has been preferred by the petitioner. He, therefore, submits that the impugned judgments deserve to be set aside.

Having considered the submissions made by the counsel for the petitioner and having gone through the impugned judgments as also keeping in view the fact that the doctor, who had actually carried out the operation namely Dr. Kiran V. Kumar, is not a party to the complaint, the judgments as have been passed by the Courts below, cannot be faulted with as the liability is personal in criminal matters and that too medical negligence.

The present petition being devoid of merits is, therefore, dismissed.

May 10th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No