

CRR-1561 of 2015 (O&M)

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

CRR-1561 of 2015 (O&M)
Date of Decision: 25.09.2018

Manjit Kaur

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Gurcharan Dass, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this revision, complainant has laid challenge to judgment dated 16.01.2015 of the First Appellate Court affirming the judgment of the trial Court dated 30.07.2012, whereby respondent No.2 to 5 and one Sukhwinder Singh (died during trial) have been acquitted of the charge under Sections 323 and 325 read with Section 34 IPC.

Briefly, private respondents were booked, tried and acquitted in case FIR No.123 dated 01.06.2005 registered under Sections 323 and 325 read with Section 34 IPC pertaining to Police Station Payal, Ludhiana vide aforesaid impugned judgment of the trial Court.

Being aggrieved, petitioner approached the First Appellate Court, but remained unsuccessful as his appeal too was dismissed vide impugned judgment aforesaid.

Learned counsel for the petitioner *inter alia* contends that both the Courts below failed to appreciate that private respondents had caused grievous injuries to the petitioner. Petitioner, in all, had received four injuries, out of which, injury No.1 was declared grievous in nature. Both

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the Courts below erred in not granting any compensation to the petitioner towards medical expenses incurred by her. Both the Courts below failed to appreciate statement of PW1 Dr. Gurlal Singh that both jaws of the petitioner had dislocated on account of injuries caused to her by private respondents. Both the Courts below have wrongly acquitted private respondents on the ground that investigating officer was not examined.

Having given thoughtful consideration to the submissions made by learned counsel for the petitioner, this Court finds instant revision completely devoid of any merit for the reasons to follow.

No question of law much less substantial has been raised in this revision.

There is unexplained delay of 15 days in lodging the FIR. Prosecution did not lead any evidence to justify the said delay.

Petitioner, in her cross-examination, admitted that there was a litigation qua land in between her and the private respondents. Therefore, the matter seems to be of civil nature.

Petitioner could not tell the date of her admission in the hospital and tried to hush up the issue by stating that she was unconscious. She even could not disclose the injuries suffered by her.

Investigating Officer did not come present to depose in favour of the prosecution to link the chain of events, which is also fatal to the case of the prosecution.

Contrary to it, DW1 Bhupinder Singh testified that no such incident, as alleged by the petitioner, had occurred on the given date and time. Root cause of this case is civil litigation qua some land amongst the

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Two more witnesses, namely, Harbans Singh and Harwinder Singh have also deposed about the motive of petitioner for lodging the instant false FIR against private respondents. All the defence witnesses were cross-examined at length, but nothing favourable to the prosecution could be elicited from their mouth.

Statement of Dr. Gurlal Singh as PW1 has rightly not been considered by the Courts below in view of the fact that he did not appear to face the test of his cross-examination after summoning of some private respondents as additional accused. Therefore, his examination-in-chief could not have been read against the additional accused.

I have gone through the impugned judgments and find no illegality or perversity in the same.

Dismissed.

September 25, 2018
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No