

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

CRR-2289-2016(O&M)

Date of decision:-23.1.2018

Satyavir

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR.JUSTICE H.S.MADAAN**

Present: Mr.Sanjay Vashisth, Advocate  
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana.

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**H.S. MADAAN, J.**

This revision petition is directed against the judgment dated 31.3.2016 passed by learned Additional Sessions Judge, Rohtak vide which he had dismissed an appeal filed by the complainant Satyavir against judgment dated 19.3.2015 passed by Sub-Divisional Judicial Magistrate, Meham acquitting the accused Rattan Singh, Baljeet, Roshni, Pushpa and Sheela.

The complainant, who is the petitioner before this Court prays that such judgments passed by the Courts below be set aside by way of acceptance of the revision petition and case be remanded to the Court below.

Briefly stated, the facts of the case are that on 13.6.2009, complainant Satyavir Singh accompanied by Sudesh and Saroj Bala went

to Police Station Meham, District Rohtak and got recorded a DDR to the effect that on the said day, at about 6:30 a.m. in the morning when they were present in their house, then the accused persons were committing theft of the bricks of the house, which they had purchased on 6.9.1993 from Ram Kumar for a sum of Rs.61,000/- and when the accused were asked the reasons for doing so, then accused Rattan picked up a jelly and attacked Saroj; that thereafter accused Baljeet attacked the complainant on his head with jelly; then accused Roshni having a rod hit the complainant on left foot; that after that Pushpa came and slapped Saroj; that accused Sheela also slapped Saroj and when they raised alarm, accused hurled bricks at them. On the basis of such statement entry in the DDR was recorded. On receipt of MLR of the injured and getting the medical opinion observing that offences under Sections 323/325/34 IPC were made out against the accused, formal FIR was registered and accused were arrested. After completion of investigation and other formalities, challan against the accused Rattan, Baljeet, Roshni and Pushpa was prepared and filed in the Court. They were charge-sheeted and trial proceeded, during the course of which on an application under Section 319 Cr.P.C. having been filed, Sheela was summoned as additional accused and chargesheeted and the trial proceeded.

However, trial of the accused ended in their acquittal vide judgment dated 19.3.2015 passed by Sub Divisional Judicial Magistrate, Meham. The relevant observations made by the trial Court are as under:

*Further complainant Satayvir PW-4 while appearing in the witness has made several improvements in his testimony and further this witness has admitted that their several other*

*litigation pending between accused and him. The prosecution has examined Saroj as PW-6 and Bindu as PW-11. All the witnesses deposed that at the time of the alleged occurrence many people from the locality gathered on the spot but the prosecution has not examined any of the those witness to corroborate the testimony of complainant and injured. All the material witnesses examined by the prosecution are relatives and are interested witnesses without corroboration from the independent witness their testimony cannot be relied. Hence, a doubt is created upon the story propounded by the prosecution.*

The complainant had preferred an appeal challenging the said judgment. However, it met the same fate vide judgment dated 31.3.2016. As such, the complainant has knocked at the door of this Court by way of filing of the present revision petition, notice of which was issued to the respondents.

I have heard learned counsel for parties besides going through the records and I find that there is no merit in the revision petition.

After hearing the rival contentions of the parties, I find that the pleas so raised by counsel for the complainant have been dealt with in detail by the Courts below. The law is well settled that the revisional jurisdiction of this Court is quite limited. This Court is to interfere only if there is an illegality or infirmity apparent on the face of the judgment/order passed by a Court below or the same is perverse or the same having been passed in violation of settled principles of criminal

jurisprudence. This is not the position a regards the present case. No ground is made out to exercise the revisional jurisdiction.

Thus finding no merits in the petition, the same stands dismissed.

23.1.2018  
Brij

(H.S.MADAAN)  
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No