

CRR-3114 of 2018 (O&M)

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

CRR-3114 of 2018 (O&M)
Date of Decision: 03.12.2018

Vijender alias Jitender and others

...Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Atul Pratap Dhankhar, Advocate,
for the petitioners.

RAMENDRA JAIN, J. (ORAL)

Through this revision petitioners have laid challenge to judgment dated 16.08.2018 of the First Appellate Court, affirming the judgment of conviction dated 17.03.2015 and order of sentence dated 18.03.2015 of the trial Court, holding them guilty and sentencing to undergo rigorous imprisonment for a period of three years and pay fine of ₹2,000/- each under Section 325 IPC; in default thereof to undergo simple imprisonment for one month and to undergo rigorous imprisonment for a period of three years and pay fine of ₹3,000/- each under Section 326 IPC; in default thereof to undergo simple imprisonment for two months.

Briefly, in the morning of 15.06.2010, complainant Daria Singh, when had gone to the village pond, petitioners along with co-accused

namely, Vedpati, Chhaya, Miniya and Chhelu Ram caused injuries to him

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with their respective weapons like *gandasi*, axe, chain, *dandas* and sticks etc. During investigation Vedpati, Chhaya and Chhelu Ram were found innocent. Motive behind the occurrence was an earlier fight for which a criminal case was got registered by the petitioners against complainant Dariya Singh.

After holding trial, petitioners were held guilty and sentenced in the manner as narrated above by the trial Court vide aforesaid judgment of conviction and order of sentence.

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

Learned counsel for the petitioners *inter alia* contends that the persons who had allegedly taken the complainant to the hospital were not examined by the prosecution in Court for the reasons best known to it. There are major discrepancies in the statements of prosecution witnesses qua causing of injuries by the petitioners. Medical evidence is contrary to the ocular version of the complainant. Trial Court failed to appreciate that injuries No.5, 6 and 7 fall under Section 324 IPC and not under Section 326 IPC in which the petitioners have been convicted. There is a delay of three days in lodging the FIR. Case property was not produced before the Court.

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

No question of law, muchless substantial, has been raised in this revision.

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In revision, this Court has very limited power, which can only be exercised, (i) when the Courts below have acted beyond the jurisdiction vested in them or (ii) have not exercised the same diligently and (iii) have exercised illegally. After going through the judgments of both the Courts below, this Court does not find any such infirmity, inasmuch as, they are well-reasoned and based on appreciation of evidence. Therefore, the same are not required to be interfered with.

All the points raised by learned counsel for the petitioners have already been dealt with by both the Courts below in detail. Therefore, dealing with the same afresh would be a repetition. Examination of the persons, who shifted the complainant injured to the hospital, was not required, inasmuch as they were not eye-witnesses to the incident.

Complainant Dariya Singh as PW2 has fully supported the prosecution story. Learned counsel for the petitioners has not been able to show even a single contradiction in between his statement in Court and his initial version at the time of lodging the FIR.

Petitioners have miserably failed to prove before the trial Court that complainant had any axe to grind against them. Therefore, plea taken by the petitioners in their defence that they were falsely implicated by the complainant on account of some previous fight for which they had registered a FIR against complainant, is meaningless or has no legs to stand in the absence of production of any such proof.

Minor discrepancies, if any, in the statements of prosecution witnesses relate to the insignificant aspect of the case inasmuch as they do not go to the root of the case and may occur as memory of a person fades

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away with the passage of time.

Dismissed.

December 03, 2018
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No