

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRR-183-2019 (O&M)
Date of Decision:- 25.7.2019

Prem Raj

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sanjeev Sharma, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court challenging judgment dated 3.1.2019 passed by learned Additional Sessions Judge, Fatehabad, whereby conviction of the petitioner for offences under Sections 323, 325, 341 and 506 of Indian Penal Code as recorded by the trial Court, has been upheld.
2. The FIR was lodged at the instance of Murti Devi, wherein she stated that on 23.4.2014 at about 8:15 A.M., when her son Mangat Ram was filling water with the help of water hose, then Prem Raj resident of an adjacent house came there and kept a brick on the water hose and upon which an altercation took place and that when Murti Devi tried to rescue her son Mangat Ram, Prem Raj gave a blow with 'stick' hitting her head and gave another blow hitting her right hand. When the neighbours were attracted to the spot, the accused Prem Raj fled away.
3. The prosecution, apart from examining the injured Murti Devi and her son Mangat Ram as PW-1 and PW-2, also led medical evidence in the shape of

statement of PW-3 Dr. Jai Parkash and PW-5 Dr. Amit Saini. PW-3 Dr. Jai Parkash proved the MLRs in respect of both the injured i.e. Murti Devi and her son Mangat Ram as PW-3/B and PW-3/C, as per which both the injured had sustained two injuries each. Further, PW-5 Dr. Amit Saini, Radiologist proved the X-ray reports indicating that Murti Devi had sustained fracture of both bones of her right forearm. Apart from the aforesaid witnesses, the prosecution also examined the investigating officer and other formal witnesses.

4. The trial Court, after marshalling the evidence led by the prosecution, held the petitioner Prem Raj guilty of having committed offences punishable under Sections 323, 325, 341 and 506 of Indian Penal Code vide judgment dated 14.2.2017 and sentenced him to under go rigorous imprisonment as follows:-

Sr. No.	Sections	Sentence	Fine	Sentence in default of fine
1.	323 IPC	Rigorous Imprisonment for six months	----	----
2.	325 IPC	Rigorous Imprisonment for one year	₹500/-	Simple Imprisonment for 15 days
3.	341 IPC	Rigorous Imprisonment for one month	----	----
4.	506 IPC	Rigorous Imprisonment for one year	----	----

5. The petitioner challenged the judgment of conviction dated 14.2.2017 and order of sentence dated 16.2.2017 passed by learned Additional Chief Judicial Magistrate, Fatehabad by way of filing an appeal, which was also dismissed by learned Additional Sessions Judge, Fatehabad vide judgment dated 3.1.2019, which has been challenged by way of filing the present petition.
6. I have heard the learned counsel for the petitioner.

7. I find that both the witnesses examined by the prosecution are stamped witnesses, whose testimonies could not be shattered during the course of cross-examination. The ocular version is duly supported by the medical evidence led by the prosecution in the shape of testimonies of PW-3 Dr. Jai Parkash and PW-5 Dr. Amit Saini. Apart from establishing the receipt of injuries by the complainant, it also stands established that one of the injuries sustained by complainant Murti Devi was a fracture. The trial Court has duly appreciated the evidence led by the prosecution and there is no misreading of any evidence so as to warrant interference in the findings of conviction as recorded by the trial Court and as upheld by the Court of learned Additional Sessions Judge.
8. During the course of arguments, the learned counsel for the petitioner has submitted that infact it is a case where the accused had also sustained injuries and who had been medically examined in the civil hospital and has referred to his MLR (Annexure P-1). However, I find that the said MLR was never brought on record before the trial Court. In any case, keeping in view the nature of injuries sustained by the complainant which include an fracture, the aforesaid MLR pertaining to contusions and laceration allegedly sustained by petitioner would not be of much assistance to the petitioner.
9. There is no merit in this revision petition and the same is hereby dismissed.

25.7.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No