

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

**Crl. Revision No. 724 of 2019 (O&M)
Date of Decision: August 28, 2019**

Maya Devi

.....PETITIONER

VERSUS

Baljeet Singh and others

.....RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sunil Kumar, Advocate
for the petitioner.

Mr. Navneet Khatkar, Advocate for
Mr. Shailender Singh Gill, Advocate
for respondents No. 1 to 4.

Ms. Dimple Jain, A.A.G., Haryana.

SURINDER GUPTA, J.(Oral)

Heard.

Learned trial Court vide order dated 07.01.2019 ordered the framing of charge for the offences punishable under Sections 323, 452, 506 read with Section 34 of the Indian Penal Code (for short IPC) against the accused namely Satwinder, Baljeet Singh, Inder Singh and Raju-respondents No. 1 to 4. They filed revision before the Additional Sessions Judge, Karnal which was disposed of on 15.02.2019 with the observations in para 14 of the order which is reproduced as follows:

“14. Thus, in the circumstances, discussed above, it is observed that learned trial Court shall have to take into account the above observations of this Court at the time of disposal of complaint on merits. Trial Court

should also take into account this fact that qua the same incident, on the statement of accused party, State case has been registered for which complainant party has been facing trial for commission of offences punishable under Sections 323, 325 and 506 /34 of IPC. However, at this stage, I do not deem it appropriate and just to give findings so as to direct the trial Court to remove/delete the charge under Section 452 of IPC. With these observations, present revision petition is disposed of.”

Learned counsel for the petitioner submits that during the course of arguments, a plea was raised that ear of complainant was chopped off by *Gandasi* blow inflicted by Satwinder Singh. Learned Additional Sessions Judge while referring to this fact recorded the observations that the allegations of the complainant at the first sight seem to be false. This observation appears to be with regard to the injury on the left ear of complainant but the trial Court which has been directed to look into the observations of petitioner may take the entire version of complainant as false.

In order to appreciate the observations of learned court of revision below, it is required to look into the discussion with regard to the injury on the left ear of complainant in para 13 which is reproduced as follows:

“13 It was alleged by complainant that her left ear was chopped out by GANDASI blow, inflicted by Satvinder. I have personally as well as with the assistance of counsel for the parties, Public Prosecutor and ASI Salinder, present in Court, seen the left ear of complainant. Had this injury been inflicted by the blow of GANDASI, certainly, it might have amputated/chopped of ear, but there is no such cut over the ear. At the back of ear, there is some mark but that is not of sharp edged weapon. Had this injury been caused by blow inflicted on head and that blow shifted to the left ear, the ear should have been cut from the top of bottom, but not in the

middle back portion i.e. pinna middle portion. These allegations of complainant at the first sight seem to be false and regarding place of occurrence, it is further clarified by the complainant when she stepped into witness box and admitted the factual thing in right manner. This is not appropriate stage to make interference in the trial/court proceedings because charge has already been framed against the accused and complaint is one of the old cases for which Hon'ble High Court has given deadline to dispose of the same till the end of March, 2019.”

The observations that allegations of the complainant at the first sight seem to be false is in continuation of the discussion with regard to injury on her left ear. However, in order to allay any fear of the petitioner it is ordered that order of the learned trial Court framing charge against the private respondents has not been interfered in the revision and the trial Court will proceed to decide the case on merits, without being swayed by any observations regarding the merit of the allegations in the complaint and evidence produced by the petitioner which shall be independently examined by the trial Court.

With these observations, this petition is disposed of

(SURINDER GUPTA)
JUDGE

August 28, 2019
Jyoti-II

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***