

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR-3280-2009 (O&M)
Date of Decision:11.09.2019

Sarabjit Kaur

...Petitioner

Versus

State of Punjab and others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None for the petitioner.
Mr.Bhupinder Beniwal, AAG, Punjab.
None for respondents No.2 and 3.

ANIL KSHETARPAL, J.

This revision petition has been filed challenging the judgment passed by the learned Additional Sessions Judge, Jalandhar dated 6.10.2009, releasing the respondents-convicts on probation while converting their conviction from under Section 326 IPC to under Section 324 IPC.

The Sub Divisional Judicial Magistrate, vide judgment dated 01.12.2007, had convicted the respondents under Section 326/34 IPC and sentenced them to undergo rigorous imprisonment for a period of 3 years each and also to pay fine of Rs.5,000/- each. They were also convicted for the offence under Section 324 IPC. However, for the offence under Section 324 IPC, respondent-Manjit Kaur was sentenced to undergo rigorous imprisonment for a period of two years, whereas respondent-Pardeep Kaur was sentenced to undergo rigorous imprisonment for a period of one year. However, they were ordered to pay fine of Rs.1,000/- each.

Learned Additional Sessions Judge has found that initially the

injured-petitioner was medically examined from Civil Hospital, Nakodar, where one lacerated wound on the anterior aspect of her left arm was found and the doctor opined that the injuries had been caused to her with blunt weapons. Thereafter the petitioner was admitted in Dang Hospital, Jalandhar, examined by Dr.J.S.Dang, who reported that Sarabjit Kaur-petitioner had an incised wound having been caused by sharp edged weapon. Learned Additional Sessions Judge had noticed that rupture of tendons, artery and nerves does not amount to grievous hurt. The Court also noticed that there is no evidence that injury upon her forearm had caused any permanent impairment of any of her joint or it had caused Sarabjit Kaur severe bodily pain for 21 days. In these circumstances, the learned court, after returning the finding, found that the offence under Section 326 IPC was not made out.

This Court has examined the record of the learned trial Court. Medico legal report of Sarabjit Kaur dated 15.07.2001 is part of the file. Nature of weapon, which has been used to cause injury, is clearly recorded as blunt weapon. It has also come in the evidence that when petitioner was admitted in Dang Hospital on 15.07.2001, the doctor had opened the stitched wound and carried out certain procedure. However, that itself would not prove that the petitioner had suffered grievous injury with a sharp edged weapon to fall within the purview of Section 326 IPC.

Both the convicts are females; first time offenders and there is no previous criminal history against them. The incident took place more than 18 years back i.e. on 15.07.2001. The convicts have already faced protracted litigation for over a period of 18 years. The respondents had already complied with personal bond furnished by them, as they were

directed to keep peace and be of good behaviour for a period of one year.

The respondents were also imposed cost of Rs.18,000/- each as cost of litigation which was directed to be paid to petitioner-Sarabjit Kaur.

In view of the above, this Court does not find the order passed by the learned Additional Sessions Judge, releasing the convicts on probation, is erroneous. Accordingly, the present revision petition is dismissed. Pending application(s), if any, shall also stand disposed of, in terms thereof.

11.09.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No