

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.1034 of 2014 (O&M)

Date of decision: 16.05.2019

Jagwant Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. L.S. Virk, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

None for respondents No.2 to 6.

ANIL KSHETARPAL, J. (ORAL)

Learned counsel for the petitioner has been heard at length.

Learned First Appellate Court has confirmed the judgment giving benefit of doubt to the accused.

Learned counsel for the petitioner has submitted that his counsel was not given opportunity to argue the appeal as on that day, counsel for the respondents-Ramesh Birla was busy with the last rites of his mother. He further submitted that the evidence of the complainant has not been considered.

The petitioner who was appellant before the First Appellate Court was represented by Sh. Arun Munjal, Advocate. His presence is marked, shown to be present at the time of hearing. Even presence of Ramesh Birla, Advocate along with respondents has been marked. The

record of the Court has presumption of correctness unless shown to be wrong. The correctness of the events which have happened in a Court cannot be doubted merely on the basis of assumptions or mere allegations. The respondents or their counsel before the First Appellate Court does not dispute its presence. Mere affidavit of the petitioner that no hearing was given, is not sufficient to return a finding that the record of the First Appellate Court is incorrect. Normally whenever correctness of the record of the Court is disputed, an application is required to be filed in the same Court. No affidavit of the counsel representing the petitioner before the First Appellate Court has been filed.

As regards second argument, it will be noted that the First Appellate Court in Para 13 has specifically noted the evidence of complainant and after considering the same, the Court has found that the benefit of doubt given by the learned trial Court does not require interference. Para 13 is extracted as under:-

“I have gone through the reasoning recorded by the learned lower Court in the impugned judgment dated 15-4-2013. Grievous injury on the person of complainant Jagwant Singh was on ring finger of his left hand. The injured/complainant was medico legally examined by Dr. K.D. Vashist on 16-6-2007 at 5-55 PM. He recorded four injuries on the person of the complainant. The injury nos.1&3 were lacerated wounds, injury No.4 was abrasion and injury no.2 was incised wound on left ring finger and fresh bleeding was present. In cross-examination Dr. Vashist has stated that Jagwant Singh got admitted in the hospital himself and possibility of all injuries with a friendly hand could not be ruled out. On page 4 of his cross examination, the complainant/PW-1 has admitted that about two years ago he had a quarrel with accused Satiya (Satdev) and Vikla (Vikram) and in that occurrence Satiya and Vikla were

admitted in hospital due to injuries caused by present complainant Jagwant Singh and that case was compromised later on. Under such circumstances, the learned lower Court after evaluating the entire evidence has given benefit of doubt to the respondents-accused Satdev etc. In my view, there is no illegality in the impugned judgment. The same is, therefore, upheld and the present appeal is dismissed being without merits. Lower Court record be sent back along with copy of this judgment whereas appeal file be consigned to Record Room.”

Keeping in view the aforesaid facts, there is no ground to interfere.

Hence, the criminal revision petition is dismissed.

16.05.2019

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No