

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

**CRR No. 252 of 2015(O&M)
Date of decision: - 11.12.2019**

SURESH

...Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- None for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The present revision petition has arisen out of the impugned judgment dated 07.01.2015 passed by the Additional Sessions Judge, Bhiwani, vide which the application under Section 391 Cr.P.C. filed by the petitioner was dismissed.

It is a case, in which the petitioner was held guilty and convicted for the commission of offence punishable under Section 304-A IPC and has been sentenced to undergo rigorous imprisonment for a period of one year and six months and to pay a fine of Rs. 1000/-, vide judgment dated 02.05.2012 and order of sentence dated 03.05.2012 respectively.

During the pendency of the appeal before the Appellate Court, the petitioner-appellant has moved an application under Section 391 Cr.P.C. for submitting some documents to be read into defence evidence. In the application it was alleged that Saroj widow of deceased-Vijay Singh moved an application to the Senior Superintendent of Police, Bhiwani, on 28.04.2009 against Rajesh Salesman of Saheed Raj Kumar Yadav, Petrol Pump, Pehladgarh. On the said complaint, enquiry was conducted by the Deputy Superintendent of Police (DSP), Headquarter Bhiwani and statements of Saroj, Krishan Kumar, Suresh Kumar were recorded and the report was submitted to the police department on 28.05.2019.

Thereafter, Saroj Devi moved an application to the Inspector General of Police, Hisar Division, Hisar on 16.06.2009 against the report of DSP Headquarter, Bhiwani and Inspector General of Police, Hisar Division, Hisar directed the DSP City, Bhiwani, to conduct the fresh enquiry on the application dated 16.06.2009 of Saroj Devi. The enquiry report submitted by DSP Headquarter, Bhiwani, along with statement and enquiry report of DSP City, Bhiwani, were obtained from the Court of Judicial Magistrate 1st Class, Bhiwani, to produce the same in supplement to the earlier documents in the appeal.

Taking into consideration the averments and the reply, the Additional Sessions Judge, Bhiwani, dismissed the application under Section 391 Cr.P.C. on the ground that no such ground has been taken by the appellant before the trial Court in this regard. The statement of

the accused under Section 313 Cr. P.C. was recorded on 13.09.2011. The criminal complaint pertains to the year 2010. These facts were well within the knowledge of applicant-appellant and the present application has been filed just to fill up the lacunae in the case.

Since no such ground was taken by the petitioner-accused before trial Court at any stage. Moreover, when the statement of the petitioner-accused under Section 313 Cr.P.C. was recorded on 13.09.2011, the petitioner-accused did not make any averment to this regard.

In view of the above, no ground is made out to allow the present revision petition.

Present revision petition is dismissed accordingly.

(HARNARESH SINGH GILL)
JUDGE

11.12.2019

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes
No