

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

CRR-2206-2016

Date of decision-10.05.2019

Salli

....Petitioner

Vs.

Jayeda and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kunal Dawar, Advocate for the petitioner.

MANOJ BAJAJ, J.

The petitioner has preferred this revision petition to challenge the appellate Court judgment dated 15.03.2016 passed by the Additional Sessions Judge Faridabad whereby the judgment of acquittal dated 31.03.2014 passed by trial Court in case FIR No.158 dated 09.05.2009 registered under Sections 323 and 325 read with Section 34 of Indian Penal Code at Police Station Sector-55, Faridabad, was upheld.

Learned counsel for the petitioner has referred to the paragraph 10 of the impugned judgment to contend that appellate Court has refused to condone the delay and has proceeded to dismiss the appeal on merits as well. According to him, the Court has dismissed the appeal in a summary manner with the observation that the prosecution has failed to prove the case beyond reasonable doubt.

Perusal of the impugned order reveals that the application was also filed by the petitioner under Section 391 Code of Criminal Procedure

for adducing additional evidence. By way of the said application, permission of the Appellate Court was sought to bring on record the Civil Court order dated 20.04.2009 and the medical evidence in respect of the injuries suffered by the victim i.e. copy of the MLR and bed head ticket. The Appellate Court had dismissed the application for additional evidence as well.

After hearing learned counsel for the petitioner, this Court is of the opinion that the crucial evidence i.e. the medical evidence was not produced by the injured before the trial Court and therefore, the Court had proceeded to acquit the accused. Further, this Court does not find any reason to interfere with the order passed by the Appellate Court refusing to allow the complainant to adduce additional evidence as this evidence was available with the complainant from the very beginning and no exceptional circumstances has been made out to allow him to adduce the additional evidence at this stage.

In view of the above, the revision petition is without any merit and the same is dismissed.

(MANOJ BAJAJ)
JUDGE

10.05.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No