

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-665-2015

Date of decision: 15.02.2019

Chattar Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Devinder Singh, Advocate for the petitioner.

Mr. Raj Kumar Makkar, Sr. DAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Through this revision, petitioner-complainant has laid challenge to judgment of Ist Appellate Court dated 15.11.2014, whereby it acquitted respondents No. 2 to 6, namely; Kapoora, Hukam Chand, Raja, Krishan and Suresh Kumar, under Section 325 IPC and released them on probation, upholding the judgment of trial Court dated 14.12.2011, qua their conviction under Section 323 read with Section 34 IPC.

Put pithily, respondents No. 2 to 6 were booked, tried and held guilty in case FIR No. 259 dated 13.12.2007, under Sections 323 and 325 read with Section 34 IPC, registered at Police Station Sadar Narwana, District Jind, on the allegations that in the day time of 21.11.2007, they had caused injuries to petitioner-complainant with their respective lathis, vide judgment of conviction dated 14.12.2011 and

sentenced to undergo rigorous imprisonment for a maximum period of 1 years each and pay fine of ₹300/- each under Section 325 read with Section 34 IPC. In default of payment of fine, to undergo further imprisonment for a period of one month each. They were further sentenced to undergo rigorous imprisonment for a period of 6 months under Section 323 read with Section 34 IPC and pay a fine of ₹200/- each. However, the sentences were ordered to run concurrently.

Being aggrieved, respondents No. 2 to 6, approached Ist Appellate Court, who acquitted them under Section 325 IPC and upholding the judgment of conviction of trial Court to the extent of conviction of respondents No. 2 to 6 under Section 323 read with Section 34 IPC, released them on probation, as narrated above in the opening part of order.

Learned counsel for the petitioner *inter alia* contends that the Ist Appellate Court, has wrongly acquitted respondents No. 2 to 6 on the ground that radiologist/author of report Ex. PW-3/B was not examined, ignoring the fact that the aforesaid report was supported by other doctor, namely; PW-3 Dr. Devender Bindlish. The Ist Appellate Court, failed to appreciate that all the prosecution witnesses had supported the prosecution story. Less compensation was granted to the petitioner by the Ist Appellate Court, while releasing respondents No. 2 to 6 on probation i.e. @ ₹2000/- each.

On the other hand, learned State counsel did not raise any fruitful arguments.

Having given thoughtful considerations to the rival

submissions, this Court finds the instant revision completely devoid of any merit for the reasons to follow:

No question of law much less substantial has been raised in this revision.

In revision, this Court has very limited power, which can only be exercised, (i) when the Courts below have acted beyond the jurisdiction vested in them or (ii) have not exercised the same diligently and (iii) have exercised illegally.

After going through the judgment of Ist Appellate Court, this Court does not find any such infirmity, inasmuch as, the same is well-reasoned and based on appreciation of evidence. Therefore, the same is not required to be interfered with.

Respondents No. 2 to 6 were released on probation vide order dated 15.11.2014 on their furnishing probation bonds in the sum of ₹50,000/- with two sureties in the like amount each, for a period of one year with direction to keep peace and be of good behaviour. Thereafter, more than 4 years have passed. Nothing has been brought on record by the petitioner that respondents No. 2 to 6 ever violated the terms and conditions of their probation bonds during this period or commit any overt act entitling their probation bonds forfeited to the State.

The petitioner had only received simple injuries with blunt weapon i.e. lathi and not any grievous injury. No sharp edged weapon was used. There are total 5 accused, so the amount of compensation payable to petitioner comes to around ₹10,000/- which is more than adequate, qua the injuries suffered by him. Respondents No. 2 to 6 have

already faced protracted trial for more than 11 years. They are the first offenders.

Learned counsel for the petitioner has not been able to prove that respondents No. 2 to 5 were booked in any other criminal case, at any point of time.

In view of the discussion made above, the instant revision, being meritless, is dismissed.

February 15, 2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No