

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No.802 of 2015 (O&M)
DATE OF DECISION:-16.01.2019

KRISHAN

...PETITIONER...

V.

STATE OF HARYANA AND ANR.

...RESPONDENTS...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Sandeep Verma, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. Arun Singal, Advocate,
for respondent No.2.

RAMENDRA JAIN, J. (ORAL)

Through this revision, petitioner-complainant has laid challenge to order dated 12.12.2014 of the Juvenile Justice Board, Panipat, whereby respondent No.2 was acquitted in case FIR No. 393 dated 22.07.2010, under Sections 148, 149, 323, 324, 326, 506 IPC got registered by petitioner at Police Station Chandni Bagh, Panipat .

As per prosecution story, in the evening of 18.07.2010, petitioner was returning home from his fields, his wife Nirmala Devi disclosed him that Satbir and Phool Kumar have closed their drain. Whereupon, when the petitioner was discussing the matter with said Satbir, he became furious and started shouting, which attracted 4 persons

on the spot, namely Phool Kumar, Sureder, Deepak and Sushil-respondent

No.2, armed with deadly weapons like lathi, axe and sword etc. All the above 4 assailants caused injuries to the petitioner and then fled away.

After registration of FIR on the basis of above broad allegations of the petitioner, final report under Section 173 (2) Cr.P.C. was filed against respondent No.2, he being a minor before Juvenile Justice Board, Panipat. The Juvenile Justice Board, after holding trial, vide impugned order dated 12.12.2014 acquitted respondent No.2 for want of sufficient evidence showing his complicity in the alleged commission of crime.

Learned counsel for the petitioner contends that respondent No.2 was wrongly acquitted by the Juvenile Justice Board on account of non-appearance of the official witnesses. Even, it did not record the statement of Investigating Officer, though it was duty bound to record his statement. The petitioner had no role during trial, because it was bounden duty of the prosecution to examine all the prosecution witnesses. Therefore, for any lapse of the prosecution, the petitioner could not have been penalized. Some of the prosecution witnesses were government officials. Therefore, it was not in the power of the petitioner to produce them in court.

On the other hand, learned counsel for respondent No.2, refuting the above submissions, contends that despite availing sufficient opportunities, even, the petitioner/injured did not enter into the witness box for the reasons best known to him. Respondent No.2 has rightly been acquitted by the trial court it being a no evidence case.

Having given anxious thought to the rival submissions, this

Court finds instant petition completely devoid of any merit for the reasons

to follow:-

1. After serving notice of acquisition on 22.07.2014, upon respondent No.2, the prosecution examined Satish Chaudhary as PW-1 and Sub Inspector Randhir as PW-3, which shows that the prosecution was afforded ample opportunity to adduce its entire evidence. Admittedly, the petitioner and four others did not enter into the witness box for their statements to support the case of the prosecution for the reasons best known to them. Therefore, the ld. trial court has rightly acquitted respondent No.2 treating the impugned case as no evidence case.

2. No doubt, it was bounden duty of the prosecution to examine official witnesses, but still, barest minimum required from the petitioner was that he ought to have vigilant during trial. He was required to assist the prosecution agency, so, that no stone is left unturned for conviction of respondent No.2 on his complaint, which had culminated into the impugned FIR.

In view of the above discussion, the instant petition is dismissed. Impugned order dated 12.12.2014 of the Juvenile Justice Board, is upheld.

16.01.2019

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(RAMENDRA JAIN)
JUDGE

whether speaking/reasoned:
whether reportable:

Yes/No
Yes/No