

CRR-2208 of 2017

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

CRR-2208 of 2017
Date of Decision: 07.05.2019

Anil Kumar Rana

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. B.S. Randhawa, Advocate,
for the petitioner.

RAMENDRA JAIN, J. (ORAL)

In compliance of order dated 09.01.2019, receipt qua deposit of costs produced in Court today is taken on record.

Through instant revision petitioner-complainant has laid challenge to judgment of the appellate Court dated 20.02.2017 affirming the judgment of trial Court dated 12.08.2016, acquitting respondent No.2 in case FIR No.83 dated 02.07.2011 registered under Sections 294 and 506 IPC at Police Station Nangal.

Briefly, respondent No.2 was booked and tried in the aforesaid FIR on the allegations that in the night of 08.06.2011, he telephonically abused and intimidated the petitioner to kill him for not bolting the main gate of the Truck Union, Nangal, despite disclosing him by the complainant that he was in devastated condition on account of illness of his mother.

After holding trial, respondent No.2 was acquitted by the trial

Court vide judgment dated 12.08.2016.

Being aggrieved, petitioner approached the appellate Court, but

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remained unsuccessful as his appeal too was dismissed vide impugned judgment dated 20.02.2017.

Learned counsel for the petitioner *inter alia* contends that both the Courts below have failed to appreciate that prosecution examined two independent witnesses, who fully supported the prosecution story. Non-examination of the investigating officer was not fatal in view of ample evidence on record to record conviction of respondent No.2.

Having given thoughtful consideration to the submissions made by learned counsel for the petitioner, 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.

This Court while exercising its revisional powers has very limited jurisdiction, which can only be exercised, (i) when the Courts below have acted beyond jurisdiction vested in them or (ii) have not exercised the same diligently and (iii) have exercised illegally.

Learned counsel for the petitioner has not been able to show any such infirmities in the judgments of both the Courts below.

Non-examination of investigating officer is fatal inasmuch as link evidence is missing in this case. Statements of PW2 Rajesh and PW3 Narinder Singh are based on hearsay inasmuch as they were not present at the time of alleged intimidation by respondent No.2 on telephone to the petitioner. Therefore, their statements have rightly been discarded by both the Courts below.

From the above discussion, it is evident that prosecution

miserably failed to prove guilt of respondent No.2 to the hilt beyond any

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shadow of doubt.

Dismissed.

May 07, 2019
R.S.

(RAMENDRA JAIN)
JUDGE

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