

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

[1] Criminal Revision No.3304 of 2017 (O&M)
Date of Decision: November 18, 2019.

Satpal SinghPetitioner
versus
State of Punjab and othersRespondents

[2] Criminal Revision No.3101 of 2017 (O&M)

Satpal SinghPetitioner
versus
State of Punjab and othersRespondents

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL.

Present: Mr.Kameshwar Gumber, Advocate, for the petitioner.

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Anil Kshetarpal, J. (Oral)

By this order, Criminal Revision Nos.3304 and 3101 of 2017 shall stand disposed of.

The learned Judicial Magistrate, 1st Class has convicted respondent Nos.2 to 4 under Sections 323, 325 read with 34 IPC and sentenced as under:-

<u>“Under Section</u>	<u>Sentence</u>
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325/34 IPC	RI for a period of one year and also sentenced to pay fine of Rs.2000/- each and in default of fine to further undergo sentence RI for three months each.
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323/34 IPC	RI for a period of six months and also sentenced to pay fine of Rs.500/- each and in default of fine to further undergo sentence RI for one month each.”
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In appeal, the learned Court of Session found that offence

under Section 325 IPC has not been proved as the X-ray of the injured has

not been proved by examining the technician/Doctor. The Court further noticed that the dispute is between the neighbours and they are first time offenders. Keeping in view the aforesaid facts, while maintaining the conviction under Section 323 IPC, the Court ordered release of the respondents on probation while enhancing the amount of compensation to Rs.7000/-.

This Court has heard learned counsel for the petitioner at some length and with his able assistance, gone through the paper book.

Learned counsel for the petitioner has submitted that the offence under Section 325 IPC is proved as Doctor Kunal Bansal (PW-5) has proved the opinion whereby injury on the person of Satpal was declared grievous.

The Court has considered the submission of learned counsel for the petitioner. In the absence of the film of the X-ray, corroborated by the evidence of the technician who carried out the X-ray, it would not be appropriate to hold that the injury under Section 325 IPC is proved in the facts and circumstances of the present case. Hence, there is no substance in the argument of learned counsel for the petitioner.

In any case, the parties are neighbours. The incident in question is of the year 2014. Five years have lapsed. The respondents have already furnished personal probation bonds and have also completed the probation period without any further untoward incident.

In view thereof, no ground to interfere is made out.

Dismissed.

November 18, 2019

mohinder

(ANIL KSHETARPAL)

JUDGE