

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1627-2018(O&M)
Date of decision: 19.12. 2019

Sandeep Kumar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.A.P.Kaushal, Advocate for the petitioner

ANIL KSHETARPAL, J. (ORAL)

The present revision petition has been filed by the victim-injured against the judgment of acquittal passed by Judicial Magistrate First Class, affirmed in appeal. Both the Courts on appreciation of evidence have found that the prosecution has failed to prove its case beyond shadow of reasonable doubt.

Learned counsel for the petitioner submits that medical evidence produced by the prosecution has not been properly appreciated. He, hence, submitted that the judgments are erroneous as the medico legal evidence has not been properly appreciated.

It has to be noticed that learned Judicial Magistrate, on appreciation of medico legal evidence, has recorded as under:-

“Further the defence witness of accused DW1 Sarwan Kumar in his examination-in-chief stated that Sandeep Kumar son of Subash Chander i.e complainant was admitted in the hospital on 27.8.2015 as

per record brought by him. Here it is worthwhile to observe that the medico legal examination of complainant Sandeep Kumar was conducted on 26.8.2015 and as per complainant's version he was referred to G.G.S. Medical College and Hospital, Faridkot and again he came back to civil hospital, Fazilka on 27.8.2015 but no evidence has been brought on record to prove that he ever received any treatment from G.G.S. Medical College and Hospital, Faridkot which means that the said link evidence regarding his treatment at G.G.S. Medical College and Hospital, Faridkot is missing and it is also pertinent to mention here that when his MLR Exh. PW4/A was conducted on 26.8.2015 at Civil Hospital, Fazilka then injury no.3 on his person was declared to be simple as has been mentioned on said MLR itself but when again he came back to Civil Hospital, Fazilka on 27.8.2015 and thereafter, his x-rays were conducted then that injury no.3 was declared to be grievous vide x-ray report Exh. PW4/E and further injury report Exh. PW4/D and this fact shows that grievous nature of injury no.3 has been manipulated by complainant, otherwise said injury no.3 would not have been declared simple immediately on conducting his MLR on 26.8.2015. So, this fact, also shows that prosecution version regarding injuries having been caused to the complainant cannot be believed.”

In view of the aforesaid findings, the Court below has found

that medico legal evidence produced by the prosecution cannot be relied upon.

Keeping in view the aforesaid facts, there is no ground to interfere. Dismissed.

19.12. 2019	(ANIL KSHETARPAL)
rekha	JUDGE
Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No