

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-533-2017 (O&M)

Date of Decision: 03.04.2019

Angrej Kaur

.... Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Sachin Mittal, Advocate for the petitioner.

Mr. RK Makkar, Sr. DAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

CRM-45090-2018

Application is allowed as prayed for.

Copy of order dated 28.04.2014, passed by learned Additional Sessions Judge, Bhiwani, in Criminal Revision No. 145 of 2013, is taken on record, subject to all just exceptions. Office to tag the same at the appropriate place.

CRR-533-2017

Through this revision, petitioner-Angrej Kaur (complainant) has laid challenge to the judgment dated 27.09.2016 of the Ist Appellate Court, affirming the judgment of the trial Court dated 19.01.2016, thereby acquitting respondents No. 2 to 6 (hereinafter referred to as 'private respondents') in case FIR No. 125 dated 08.07.2011 registered under Sections 147, 148, 323, 342 and 506 IPC at Police Station Badhra.

Briefly, the private respondents were booked and tried in the aforesaid FIR, on the allegations that in the morning of 04.07.2011, they along with their co-accused Suresh, abused the complainant in front of her house in abbreviated condition, for which she informed the police telephonically. Consequently, in the day time of next date, the police reached the house of complainant, but did not find any accused present there. Therefore, when the police was returning back, the private respondents came to house of complainant. They dragged and confined her in their house from where she was rescued by her son, after opening the door in the presence of police and was admitted to CHC Badhra. Some ornaments such as ear-rings, gold chain, anklets and ring were found missing, when she was being dragged by the accused to their house. After holding trial, the private respondents were acquitted by the trial Court vide judgment dated 19.01.2016.

Being aggrieved, the complainant approached the Ist Appellate Court, but remained un-successful as her appeal too was dismissed vide judgment dated 27.09.2016, impugned herein.

Learned counsel for the petitioner *inter alia* contends that both the Courts below have failed to appreciate that PW-7 Dr. Akhilesh had supported the allegations of the petitioner that she was beaten up by the private respondents. PW-1 Suraj Bhan and PW-2 Rajender, have also supported the prosecution story being eye-witnesses as they tried to rescue the petitioner from the clutches of private respondents.

On the other hand, learned State counsel has not raised any fruitful argument.

Having given thoughtful consideration to the submissions of 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.

Perusal of impugned judgment shows that respondent No. 5-Bajrang, earlier got registered a case against the petitioner and her son-Rahul, with regard to this very occurrence for causing injuries by them to his mother, namely; Bhakti and her daughter-in-law Sushila. The petitioner in her statement also admitted that some dispute was going on in between her and the private respondents, in respect of a passage and the instant incident had taken place, on account of enmity amongst them. Therefore, it can safely be presumed that the impugned FIR lodged by the petitioner against the private respondents was a counter-blast to their FIR against her.

The consistent stand of prosecution throughout was that the petitioner was dragged by the private respondents into their house and kept confined there illegally. She was also beaten up there. However, the prosecution could not prove so, inasmuch as, PW-2 Rajender, denied

about giving of any statement to the police.

There are material contradictions in the statements of prosecution witnesses, inasmuch as, PW-1 Suraj Bhan testified that Rahul son of petitioner had come after 1½ hour of the incident, whereas, petitioner testified a contrary version by showing his presence at the time of occurrence. PW-1 Suraj Bhan, had denied that he had ever disclosed specific names of private respondents for the alleged occurrence as he could not count them. This fact, in itself falsifies the prosecution story.

The injuries suffered by the petitioner are simple in nature. Therefore, it is unbelievable that if, 5-6 persons with a common object, would only cause simple injuries to a person.

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

April 03, 2019
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(RAMENDRA JAIN)
JUDGE

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