

CRR-2004 of 2018

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

CRR-2004 of 2018
Date of Decision: 05.03.2019

Rajesh @ Raju and another

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. A.S. Sheoran, Advocate, for the petitioners.

RAMENDRA JAIN, J. (ORAL)

Through this revision, petitioners have laid challenge to judgment of conviction dated 20.02.2016, whereby they have been held guilty under Sections 323, 325, 506, 34 and order of sentence dated 23.02.2016 of the trial Court sentencing them to undergo rigorous imprisonment for six months and pay fine of ₹500/- each under Section 323/34 and Section 506/34 IPC each, in default of payment of fine to further undergo simple imprisonment for ten days under each Section and to undergo rigorous imprisonment for one year and pay fine of ₹1000/- each under Section 325/34 IPC, in default of payment of fine to further undergo simple imprisonment for 20 days and judgment of the First Appellate Court dated 19.03.2018, whereby they were released on probation for three years subject to payment of compensation of ₹75,000/- and furnishing of probation bonds in the sum of ₹1,00,000/- with one surety of the like amount each while maintaining their conviction under Sections 323 and 506 IPC.

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Briefly, in the morning of 04.05.2014, complainant Shamsher Singh was returning home from his fields. When he reached near the welding shop of Sita Ram, petitioners abused and gave him beatings with their respective *lathis* and *dandas* on almost on his entire body i.e. head, back, neck, legs and hands etc. When he telephonically called his father and brother, they also assaulted and criminally intimidated them with dire consequences.

On these broad allegations, initially DDR No.21 dated 04.05.2014 was recorded. After receipt of x-ray report, said DDR was converted into FIR No.67 dated 12.05.2014 dated 323, 325, 506, 34 IPC.

Trial Court, after holding trial, held guilty and sentenced petitioners in the manner as narrated above in the opening part of the judgment.

Being aggrieved, petitioners approached the First Appellate Court, who vide impugned judgment dated 19.03.2018 modified the judgment of conviction and order of sentence of the trial Court in the manner as narrated above.

Learned counsel for the petitioners *inter alia* contends that both the Courts below have failed to appreciate that father and brother of the complainant, who deposed in favour of the complainant, were interested witnesses being his father and brother. Link evidence is missing, because no call details were proved by the prosecution to show that after receiving injuries, complainant had called his father and brother on phone. No recovery of *danda* was ever effected from any of the petitioners. No motive was even alleged against the petitioners. Hence they have wrongly been convicted.

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by learned counsel for the petitioners, 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 appeal.

In revision, this Court has very limited power, 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. After going through the judgments of both the Courts below, this Court does not find any such infirmity, inasmuch as, they are well-reasoned and based on appreciation of evidence. Therefore, the same are not required to be interfered with.

Learned counsel for the petitioners has also not been able to prove any such infirmities in the judgments of both the Courts below.

Complainant has suffered a fracture of ulna bone. His testimony is duly corroborated by medical evidence. Quality of evidence has to be seen and not quantity. In case, testimony of father and brother of the complainant is not taken into account they, being interested witnesses, in that eventuality, also conviction of the petitioners under Sections 323 and 506 IPC recorded by both the Courts below is legal being based on appreciation of evidence and on the basis of sole testimony of the complainant.

Dismissed.

March 05, 2019
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No