

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

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Criminal Revision No.1459 of 2019

Date of decision : 01.07.2019

Amnesh Kumar @ Amnesh Kumar and others

... Petitioners

Versus

Parkash Kaur and others

.. Respondents

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Ms. Harman Preet Kaur (Simmi), Advocate for the petitioners.

Anupinder Singh Grewal, J. (Oral)

The petitioners have challenged the order dated 29.03.2019 whereby the Additional Sessions Judge, Patiala, has, while allowing the appeal, set aside the order dated 10.07.2018 passed by the trial Court whereby the petitioners were discharged.

Learned counsel for the petitioners contends that as there was delay in filing the challan, the trial Court had rightly discharged the accused as no satisfactory explanation had come forth with regard to delay.

Heard.

It is manifest from the perusal of the order of the trial Court that the complainant and her son had received several injuries at the hands of the petitioners and they had been medically examined and the injuries to the son of the complainant are stated to be on his head. The petitioner had promptly made a complaint to the police after getting her son and herself medically examined. The delay on the part of the police in filing the challan is not attributable to the complainant and therefore, to discharge the accused for the lapse on the part of

the investigating officer in not promptly filing the challan would result in grave miscarriage of justice.

The Appellate Court has relied upon Section 473 Cr.P.C. while holding that it was satisfied on the facts and circumstances of the case that the delay has been properly explained. The FIR was registered on 01.10.2015 while challan was presented on 11.09.2017. The delay had allegedly occurred as the medical report including the X-Ray report was not received earlier. These medical reports were received on 05.05.2017 and the challan was filed on 11.09.2017.

In the facts and circumstances of the case, especially when several injuries including one on the head of the son of the complainant, the discharge of the accused on the ground of delay on the part of investigating officer to file the challan would cause manifest injustice. Consequently, I do not find any merit in this petition and the same stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

July 01, 2019
sonia gugnani

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